

# City Council Regular Meeting Transcript – 01/26/2017

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[10:11:08 AM]

>> Mayor Adler: All right. I think that we're all here, but before we start our meeting -- all right. So before we start the meeting and before we get to our invocation, as we're going to start the new year we just want to return to what looks like it's becoming an embarrassingly annual event here with the -- council, I remember the pictures that were taken last year. So council, be aware and be in your best form because we're going to just take a moment to remind everybody of the importance of a healthy lifestyle for our community and for our employees. You all may remember the photos. I want to call up assistant city manager mark Washington to introduce our second annual wellness warmup.

>> Thank you, mayor and council. We want to invoke energy and wellness into our hamber, to our community and workplace. And last year there was a surprising effect. We had 41% of our employees that were participating in the wellness program. After the council modeled the leadership from the top, surprisingly 51% of the employees are now participating in wellness program. And we want to continue to set that example, so we invite you to come down again and we have deion Ross who is going to lead us in our warmup. So we invite the council to descend from the dais as well as all of the participant -- all the members in the council chambers to as well join us and stand.

[10:13:11 AM]

>> All right. So you guys go ahead and stand. You can come out in the aisles a little bit and we're just going to get some circulation moving. And we've got also a lot of our pe captains in the audience and also in the front. So we are ready to go. All right. Can't hear it. Exhale down. Roll the shoulders back. Big circle. Good job, do it again. Inhale up. Exhale down. Big shoulder roll. Now we're going to do a step touch to the right. Step touch. Here go, step touch. Now rock, rock. Step touch, good. Step touch, rock. Good. Awesome. Step touch. Rock. Good. Step touch, excellent. We're going to loosen it up. Big circle. Reach high. Then low high. Bend the knees. Then come back down, do it again. Or way, low. Reach, reach! Bend the knees. All right. Now up and over, reach, reach. Good. Awesome. Y'all are good. Good job. Now take it across the body. Reach! Good. Awesome. Let's try this. If you want, reach and drag. Let's try it. Reach drag. Good. No? Maybe? All right. Give me a squat to the right. Give me a squat. Here we go. Squat. Now back to center. Other side. Good! Down and up. Good. Heads come back. Do it again. Awesome. Let the hips come back. Good job. All right. Step touch again. Right left. Here we go.

[10:15:12 AM]

Step touch. Now rock! Step touch! Yeah. Rock. Hey. Do it again. Step! Good job. Rock. Step touch, good job. Y'all look awesome. All right. Take it around. Big circle, loosen it up. Reach! Reach high. Bend the knees. Low-high. Low. Come down other way. Big circle. Oh, good job. Reach low high. Good job. All right. Up and over, reach. Right on, here we go. Reach, reach! Good! Excellent.

[Laughter]. Back to center. Here we go. Reach. If you want you can drag. All right.

[Laughter] Step touch here. Step touch here. Single. Now give me a double, two. Single, single. Single. Double. Do it again. You've got a little something. Awesome. Awesome. Good job. March is out, y'all. Great job, y'all.

[Cheers and applause] Wonderful. Thank you.

[10:17:23 AM]

>> Mayor Adler: One can only imagine the bevy of embarrassing photos we just generated. We're going to use that as our celebratory moment as we head into the meeting today. So I'm going to go ahead and convene this meeting on Thursday, January 26th, 2017. It is 10:15. We are in the city council chambers, 301 west second street here in Austin, Texas. As we begin to meeting I want to take just a moment to welcome to their first city council meeting our new colleagues, councilmembers alter and Flannigan. Welcome to the dais.

[Applause]. I'm going to read into the record some changes and corrections. On item number 2 it should be noted that on January 23rd, 2017 it was unanimously recommended by the electric utility commission on a vote of 9-0. Items 4, 18, 24 and 35 have been withdrawn from today's agenda and will be resubmitted at a future meeting. Items -- item number 16 is being postponed to February 2nd. Item number -- item number 29 and 33 -- items number 29 and 33, on January 23rd, 2017 they were unanimously recommended by the electric utility commission on a vote of 9-0.

[10:19:28 AM]

Again, there were two vacancies. The sponsors on item number 44 should have councilmember alter instead of myself. Item number 50, January 24th, 2017, this was approved by the parks and rec board on an 8-0 vote with board member vain recusing from the vote and board members lar Kins and Schmidt absent. Item number 89, we're looking at a -- when this comes up at 4:00 P.M., it should be noted there will be a request to postpone the item to February 16th. Item number 90 when that comes up at 4:00 P.M., or no sooner than 4:00 P.M. There will be a request to postpone this to March 2nd. Item number 91 when it comes up no sooner than 4:00 P.M., there will be a request to postpone this item to February 9th. And item number 92 at no earlier than 4:00 P.M. There will be a request to postpone this item to February 2nd. Let's look at the consent agenda that we have today. Consent items run numbers 1 through 49. We have several items that have been pulled by councilmembers. Item number 40, Ms. Houston is pulling item number 40. You said you had a quick question? Do you want to pull it or do you want to just ask the question?

>> Tovo: Mayor, I think there are quite a few speakers on 40.

>> Mayor Adler: Okay.

[10:21:29 AM]

So item number 40 then is pulled. I also have item number 42 being pulled by Houston and troxclair, item number 44 being pulled by Flannigan.

>> Kitchen: Mr. Mayor, on 44 I'm not sure we need to pull it. I think there was a comment that councilmember Garza wanted to make and then potentially -- and -- not potentially, but to postpone it.

>> Mayor Adler: 44 was pulled by Flannigan.  
>> Kitchen: I know. I will let him speak, but he's on board with what I said.  
>> Flannigan: I'm okay with postponing it.  
>> Mayor Adler: So that would be postponed until when.  
>> Kitchen: Next week. And I think councilmember Garza had a comment.  
>> Garza: This was the library being able to teleconference into council meetings. And I'm happy to say that Google has stepped up and it sounds like they're willing to find us additional equipment to implement in the districts that weren't addressed in that. So we just want to postpone it a week so we can flesh out that language.  
>> Mayor Adler: Okay. I have some items here that look like they have been pulled by the public. And that would include item numbers 19 22, 23, 40, 42, 44 and 46.

[10:23:31 AM]

That's 19, 22 and 23, 40, 42, 44 and 46.  
>> Kitchen: Mr. Mayor, we just postponed 44.  
>> Mayor Adler: 44 has been postponed, will be postponed.  
>> Mayor?  
>> Mayor Adler: And then 42 there's been -- I'm sorry? Did you have something? I'm sorry.  
>> Tovo: I was going to say that I believe that 45 also has two citizens signed up. And then I'm not sure if Mr. Ross is here. If Mr. Ross is not here, then that is it for the speaker items.  
>> Mayor Adler: So 45 also is pulled. So the ones that I have being pulled --  
>> Pool: Mayor, could we check on 45 because at least one of the speakers doesn't need to speak. He just wanted to indicate his support. And if the other speaker isn't here then that can go on consent?  
>> Mayor Adler: Adam Mckern and David king do you want to speak on this item? No. Then 45 can move forward on consent.  
>> Pool: Mayor, I have one other item to pool when you get to that.  
>> Mayor Adler: Which one do you want to pool?  
>> Pool: That would be 37:  
>> Mayor Adler: 37 is pulled. So it looks to me what I'm seeing is 4 is withdrawn, 16 postponed to February 2nd, 18 withdrawn, 19, 22 and 23 being pulled for speakers, 24 withdrawn, 35 being withdrawn. 37 being pulled. 40 being pulled. 42. 44 is being postponed until next week. And then item 46.

[10:25:32 AM]

>> Flannigan: Mr. Mayor? I'd like to add myself as a co-sponsor on item 49 to contribute an additional \$500 to the fee waivers.  
>> Mayor Adler: Okay, thank you. We have some people that --  
>> Tovo: Mayor, I'm sorry. Number 10 should be pulled for speakers, but it depends on whether Mr. Ross is here.  
>> Mayor Adler: Okay. I think there were a couple of those. Let's ask that question. Is James Ross here? Okay. So we don't have to pull the ones that he was the second speaker on. We have some folks that have signed up to speak on the consent agenda, so we'll go ahead and call those folks now. The first speaker would be Gus Pena. Mr. Pena, did you want to speak? Is Mr. Pena here? I saw him earlier. Is Mr. Pena here? Is David king here? You're okay? Is Stuart Hersh here? Okay. Is Adam Mattern here? Is Michelle polger here? That was on item number 40, but we pulled that item. Do you want to wait until we get there? Okay. Those would be the speakers that have been pulled. Is there any -- is there a motion

to approve the consent agenda? Ms. Garza makes that motion, seconded by Ms. Pool. While we're on the dais if anyone wants to discuss any of these items?

[10:27:35 AM]

Make any notes or notations? Yes, Ms. Troxclair?

>> Troxclair: I just have a couple of quick or what I hope will be quick items on for staff on item number 12 and item number five. 5. And then I'd like to be, I guess, shown abstaining from item number 7. We only received one bid so I just -- I'm uncomfortable making large expenditures on capital projects when we've only received one bid. Abstaining from item number 10 because reclaimed water projects are being subsidized by the regular rate payers and I think we'll have to address that issue at some point. And voting no on item number 49. Voting no on item number 26 because I don't see any performance metrics associated with outcomes with the increased contract amounts. Voting no on item number 35 because we're losing vehicular connectivity. And voting no on item number 45 as well.

>> Mayor Adler: Item number 35 was withdrawn.

>> Troxclair: Okay, thanks.

>> Mayor Adler: So the record will reflect those. Is staff here to answer quick questions on a couple of those items? What number were they?

>> Troxclair: Item number 12 and 5.

>> Mayor Adler: 5 and 12.

>> Jim Smith from the airport on number 5.

>> Troxclair: So I want to understand, so this is the bus stop at the airport. I don't know if the rest of the council has seen the picture, but it's like a big led guitar, I don't know if it's led, but it's a big guitar-shaped structure at the bus stop. So I know that my staff had tried to address this through Q and a as to why we didn't use art in public places funding for this project? It seems like it would have been a perfect use of that money when we have made, you know, capital investments at the airport to set aside funding.

[10:29:41 AM]

And we set aside funding for art in public places. So can you -- I understand the response was, I don't know, that we just -- we didn't, but is there anything else going forward? I know that we're doing so much at the airport. We're doing the terminal expansion, we're doing the new -- the low cost carrier part.

>> Parking garage.

>> Troxclair: The parking garage. So my question is it seems like this is something that we should have used, art in public places funding for. Can you just tell me if it's possible if we maybe don't go through this today, if there's an opportunity for us to fund it in the future with that money?

>> Somebody from the economic development department will have to talk to specifically that, but the way it's structured at least from the airport's perspective is when we have a capital project, two percent of the cost of that project goes into the arts in public places fund. The guitar design of the bus stop was something we just incorporated into the design of that bus stop when we're putting it together with capital metro. So that was viewed as a capital project initiated by airport and therefore it wasn't initiated by art in public places as an art project.

>> Good morning. Rolando Fernandez, in regards to the question and answer process that we went through the last couple of days. We looked at the art in public places guidelines in terms of use of the funding. As every project has a 10% of artistic value for that project being done as a capital improvement project N this case we saw the bus shelter improvements as a capital investment asset, as

infrastructure, with the type of construction being done to enhance that parking garage to meet the needs of our visitors at the airport.

[10:31:48 AM]

Although it does have the artistic feature of the guitars, the staff saw this as a capital improvement project to be funded with capital assets rather than utilizing the two percent derived from other budgets at the airport to fund the actual construction of this -- the improvements of this bus shelter.

>> Troxclair: So are there any -- I guess my thought is just because that there could be collaboration in the future between the two departments. I don't -- I think that art can also be functional. I don't think that it has to be one way or the other. So I think that an artistic design for a bus stop at the airport would have been a great use of these monies. So are there any other upcoming projects that we could collaborate on that you are seeing as capital expenditures that happen to be artistic that are not being considered as arts in public places? For not being considered for that funding?

>> The design of the program right now is the airport brings forward the capital project and then two percent goes to arts in public places group. They in turn develop the type of art and projects that they think are appropriate for use of that funding. We do get a chance to comment on those projects, but it's really art in public places that takes the lead on how those funds will ultimately be utilized.

>> Troxclair: Okay. I don't think that this is something we need to work out right now, so I'll just abstain on this item and maybe we can talk more about how we can work together in the future to make sure it's not really one way or the other.

>> I'm also here to address questions on number 12?

>> Troxclair: Okay. So that was just a construction contract for \$26 million and there was only one bid received.

[10:33:49 AM]

So I just hoped that you could speak a little bit to maybe the reasoning. It makes me uncomfortable to spend such a large amount of money when we don't have competitive bids.

>> Absolutely. I understand the concern. It's a concern that my team and I share as well when we have low responses to our bids and it's something we've been experiencing a lot more often than we'd like to experience. In this case we went back and not just because we got budget, but we always do this as part of the process when we have low bids and we look at the attendance at our previous bonds meeting. The previous bonds meeting is the session where we invite any potential contractor and subcontractors that want to bid on or serve on a project for the project to attend and hear information from our staff and the public works and the sponsor department will what that project is and what we expect for them to provide for us. We only have -- it was a mandatory prebid so what that means is you have to attend it, you have to be there and we have to account for you in order to -- to accept your bid at that bidding time. We had seven prime contractors attend that event. Of course, only one of those seven responded to our bid. We contacted six of those, not the sole bidder. Of those six, four of those returned our request for a conversation about what prohibited -- what was the reason for them not submitting the bid. I provided that information as part of the question and answer the last couple of days and if I may, the responses were the project is pretty long, it's a three year project. It's a lot of stops and starts in the project and they saw that as a concern. Secondly, the project requirements were numerous. This is a large complicated project. And then the third reason, they -- I'm not sure how to communicate this, but their response is they saw a bidder that does really well in these kind of projects attend the previous bonds and they thought it was a given that that contractor would get the contract or be the lowest bidder and because of that reason they didn't want to submit a bid.

[10:35:51 AM]

>> Troxclair: Sorry, can you say that again?

>> So when they attended the previous meeting, they saw a contractor that is recognized I guess across the country for doing these kind of projects, and so they figured that that contractor would provide the lowest bid, so they saw that as a waste of time for them to follow up and provide a bid based on the fact that said contractor was there and more than likely was going to submit a bid that would come in at the lowest price. This is an invitation for bid, lowest price. Again, that's the response we got from them in terms of why they didn't submit a bid. And then finally, and this is something that we've been hearing a lot of lately, is that their workload is just too great to submit a bid for this long duration, complicated project. So they saw that as a reason for not to submit a bid. So we're trying to go out there and communicate to contractors, contract association, the minority trade associations to as early as possible to share the procurements we'll be doing for construction projects and also for professional engineering services. Just because we recognize that there's so much work going on in central Texas and across the state and we've just been seeing lower turnout in our previous bond services and bids and proposals that we get. We're following up, we're trying to see what we can do to change our processes. I've provided a couple of recommendations in my Q and a response yesterday in terms of what we can add to our process to help encourage more participation. That said, we got one bid. We worked with the project manager, the project sponsor department in this case, the Austin water utility, the engineer to look at that bid to ensure that it met all the requirements that we're looking for as the lowest bidder, and met that test. They passed that test and that's why we're recommending that one contractor. Even though we would have liked to have seen more competition we are confident in the ability and the bid submitted by this contractor as being the responsive low bid.

[10:37:54 AM]

>> Troxclair: Okay.

>> Mayor Adler: Okay. Ms. Garza. Thank you.

>> Garza: Mayor --

>> Mayor Adler: Further discussion on the consent agenda?

>> Garza: Yes. I thought with the change in our dais I would be able to not have to make political statements that much anymore, but there has been a change at the federal level and I do want to comment on the women's March, which is number 49. When I heard of a woman's March that was going to happen in Washington, D.C., I was very excited. I was sad that I couldn't attend because I'm a mother of a young one now and I have a pretty busy job. And when I heard that there would be one in Austin I reached out to the organizers. It was in the very beginning stages. And I said how can I help? What can I do, what can I do to help this? I want to thank my colleagues for stepping up and many of you waived higher fees than we've ever waived before when we have these kinds of requests to each other. I want to thank councilmember Flannigan for pitching in some more. I think we're in some very trying times and I hope that our public -- I know people have reached out to us and said what can I do, how can I help? I hope you continue to reach out to help us. And when you see an opportunity to raise your voice and make sure that you're heard that you take that opportunity. It's going to be a difficult four years for many of us and I just want to thank all the austinities that attended Saturday's March. It was a truly amazing event.

[Applause].

>> Mayor Adler: Anything else on the consent agenda? Mayor pro tem?

>> Tovo: I appreciate and just really appreciate you bringing that forward and allowing some of us to be sponsors on it. And I want to say by the time I got home from the March I already had a couple of emails in my box or within a couple of hours from having returned home, I already had a couple of emails in my box from austinites who had participated and were -- wanted to know what they could do and how they could get involved in their community here in Austin.

[10:39:56 AM]

So that was really I think one of the many beneficial outcomes of Saturday's March here in Austin.

>> Mayor Adler: Anything else on consent agenda? Yes.

>> Garza: Well, I guess I feel like I have to just say for the --

>> Troxclair: Well, I guess I have to just say for the -- I think it's important that as women we respect each other's opinion regardless -- I think that it's healthy and natural for us to disagree, and I too returned to my inbox with a lot of emails that had people who were upset about this agenda item and that the city and their taxpayer dollars were going to support something that they felt was politically motivated and didn't support their views. I'm not here to take a stance one way or the other, just to recognize that just because we live in Austin and that it is -- it does tend to have one particular ideology doesn't mean that -- doesn't mean that those views are always representative of everyone who lives in the city. So I just wanted to make that comment and I would like to be shown just abstaining from the two items that we just talked about, item number 5 and item number 12.

>> Mayor Adler: Thank you. Any further discussion on the consent agenda? Ms. Pool?

>> Pool: Just to point out that I think that estimates of the size of the crowd on that gorgeous Saturday, last Saturday, were upwards of 50,000 people. I think the 50,000 that the police department estimated was low and conservative. And if you look at the visuals from that March from last Saturday I'm guessing it was closer to 100,000. So it was a huge outpouring of support from our community and our surrounding communities. It was a gorgeous day to be outside and I'm really proud of the efforts on this dais to support women's rights as human rights.

[10:42:00 AM]

Thank you.

>> Mayor Adler: Thank you. About the women's March. This is about we're about to do the consent agenda and I need to make a statement about item 45 before I -- before we vote.

>> Mayor Adler: Now would be the time.

>> Houston: I want everyone to know that I'm a contributor to planned parenthood and supporter and advocate for a woman's right to choose and a woman's right to have safe, legal family planning up to and including abortions. When this document was given to us there had been many iterations of it. I understand it was multiple pages and my colleagues had it paired down to what it is. I think it sends a wrong message for me in that we can talk about roe vs. Wade, but I didn't have a chance to make some amendments to their work so I didn't. But I notice the difference in how the commissioners' court handled this issue. One of the commissioners asked for time to try to rework it some more and graciously judge Eckhardt was able to say we want this to be a unanimous decision and so we will work with you to see if we can make it so you can vote for it. I wasn't allowed that opportunity because it was just -- they've been doing it for such a long time. But I want everyone to know that I in fact am a supporter of planned parenthood and a woman's rate to have a safe, legal abortion, but I will be abstaining on that for the reasons that I just said. There are some things in here that are just in people's faces. I said it at the work session on Tuesday. Everybody does not agree with me and my position on

safe, legal abortions. And so out of respect to them I'm going to -- you all know where I am, but I'm going to abstain on this particular item 45.

[10:44:05 AM]

>> Mayor Adler: Thank you. Any other discussion?

>> Renteria: Mayor, I'm going to support this. You know, as a grandfather that has just recently learned in the past two weeks that I'm going to be -- I have two grandparents that are pregnant. And I told them that, you know, that the decision is theirs. I'll be there to give them advice, but I cannot make that decision because raising -- and both of them are not married, but they are of legal age and everything else. They finished high school and all that. But I told them that, you know, whatever decision you make that's going to be your decision and not mine. So that's the way I see it.

>> Mayor Adler: Okay. Anything else? It's been moved and seconded to approve the consent agenda. Before we do that we have two people, Mr. Bingham signed up to speak on item 38. Is he here? First I called Mr. Bingham to speak on item 38. Then I'll call you next, Mr. Pena.

>> Councilmembers, good morning. My name is aj Bingham, director of government affairs for the real estate council of Austin. The real estate council of Austin is committed to promoting and sustaining the greater Austin region as an outstanding community to live in. Reca believes that all citizens should have the -- central Texans should be able to have education within a safe environment. That said affordability lies at the center of reca's mission and core values. As such we are committed to working with each of you and the commit to achieve the necessary housing to meet our city's current and future needs. We believe the resolution regarding demolishing marketable affordable housing units takes a necessary step towards understanding our current housing stock and illuminate the potential impact revisions to site development regulations may make.

[10:46:16 AM]

When mapping goes to entitlements as part of the codenext process we feel it credit tell kel for a similar exercise under the existing titlements to understand the variance and loss or gain of the developments. We believe that this data will serve to inform and hopefully validate appropriate locations throughout the city to have the lack of necessary affordable housing including market rate, subsidized and [indiscernible] Housing. In addition to the data being collected upon submission, we include the synopsis of the age housing of the structures. Aged housing stock is sometimes unsafe for habitation and the cost to bring the structures into compliance with the current code may not be economically feasible. There should also be consideration when evaluating the data alongside codenext that the housing stock produced today may be the market rate affordable units of the future. We commend the city council's efforts towards addressing our city's affordability needs and we believe the recommended data collection is an important tool to be used for dragging this issue. We stand ready and are committed to working alongside the committee and opportunity -- the council and community to work with the land development code. Codenext helps to achieve a shared goal of addressing affordability challenges. Please consider reca an advocate as you move forward in achieving this goal.

>> Mayor Adler: Thank you.

>> Mayor, city councilmembers, Gus Pena, proud native east austinite and fraud former U.S. Marine. I remember back when Bruce tod was mayor the verbiage came affordable housing, affordable housing. None of you were on the council or involved in publics.

[10:48:18 AM]



Affordable housing. My rhetoric to him was affordable for whom? We have been fighting for affordable housing since then and before then. My old house on 2327 east fifth street, and it was just mentioned on the -- one of the commissions last night about a music venue. Just the land is worth one half million dollars. The structure is not worth it. And yeah, we talk about codes, mayor, councilmembers. You new councilmembers. You don't know what we, some of us have had to put up with the lack of affordable housing. Veterans are out there -- are still homeless because there are not enough units. Mayor! Housing authority of the city of Austin took a voucher away from a veteran just because they said you are not actively seeking, but that veteran has been in hospitals 25 to 27 times. Served his country. Took away his housing voucher. You think that's right? I sent a letter to trump. I'm a Democrat, yellow dog Democrat from the first day, but do you know what, I need somebody to define affordability. What we need here in the city of Austin is affordable housing with a true definition of affordable housing. I gave y'all one before. I gave you one when you were running for office. We need -- yeah, we need this item. It's good, it's appropriate, but do you know what? Some of the structures don't need to be demolished. Some are Delap dated. I understand the safety issue of it. I'm a former safety inspector too. But mayor, you know, I'm going to be honest with y'all. I prayed to the good lord and happy new year to y'all, that I was going to change a little. But it's darn hard when we have so much hurt out there in the community, we have so much single women with children who are homeless. And this is germane to this issue president Barack Obama four weeks ago said that we need more housing for single women and children who are homeless. Austin, Texas, verbiage here, he listens to us. The issue is this, you make a good decision on this, do your homework.

[10:50:24 AM]

It says approve a resolution to demolish market affordable units. Let's make a clear decision on what is good for the public, what is good for the low ses socioeconomic status. And mayor, we are not without homeless veterans. I have that article and it will be more germane next time. But we still have thousands of homeless veterans still out there. Just because you have the apparatus, the function, et cetera, to help out, it ain't true. Excuse my English. So I'm -- with what my brother from reca said, real estate council of Austin. But do your homework please, keep units affordable and really bring by affordable housing. Thank you very much.

>> Mayor Adler: Thank you. I have a quick question. Mayor pro tem, on the issue of the resolution that deals with the -- getting the information and data to the city, I raised the issue at the work session that the strike fund, which is the market driven approach, is shooting for apartments that are in the 60 to 120% mfi because that's the workforce rental units, the unsubsidized rental units. So I would hope that in the first resolved clause where we asked for information for rental units we stop at 80%, which is the subsidized level, but that might not pick up the class B and C units that we might otherwise lose. That's the San Francisco issue. I wonder if you will take a friendly amendment here as part of the consent agenda to also ask for data related to rental units below 120% or if I need to pull this item?

[10:52:28 AM]

>> Tovo: That would be fine. So it would say the city manager should provide information for rental units. I think I would suggest the language change to at 120% mfi, 80% mfi, 60% and then continue with the intervals.

>> Mayor Adler: So we want to pick up Ben 80% and 120%. So at or below 120%, can we say that?

>> Tovo: At or below 120%, yes. But I think that we incorporated councilmember Cesar's edits as well so we want to make sure we're getting 80%, 60%, but your language would be fine with me.

>> Mayor Adler: Is there any objection to adding the language in the first resolved clause so that it says city manager should provide information for rental units at or below 120%, and then continue on below 80% mfi? Any objection to that? Then that amendment then is incorporated into the consent agenda. Thank you, mayor pro tem.

>> Tovo: I'll just note that I did incorporate councilmember kitchen's suggestions into the last be it further resolved and as I just mentioned, councilmember Casar had suggested some language and some additional levels of affordability. That is in there as well. One -- it also does ask for that by unit. A consideration of the numbers of bedroom per unit. We want to be sure if we're comparing what the market is producing to what had existed that we're not -- very often it's the case that some of the units that are coming online are when they're affordable, they are efficiencies. So we want to be sure we're comparing apples to apples. If we're losing units that are two and three bedrooms and being replaced by efficiencies, that's an important piece of information to know to assess how we're doing relative to the preservation of existing affordable housing. So we did make that addition to councilmember Casar's language.

>> Mayor Adler: Great. Any other comments on the consent agenda?

>> Casar: Mayor, first I would like to thank the mayor pro tem for taking those amendments under consideration.

[10:54:37 AM]

It's no secret for many of us who care about some of the same issues at the city, often times especially on zoning cases we're forced into all kinds of different disagreements about how we get to the goals that we want, but having this sort of data and information from our consultants and staff can hopefully help us make the best decisions that we can that are long range decisions. And I appreciate that. You incorporated those. And I appreciate what this resolution is doing because I think that the large majority of us on the dais share your goals and the goals of the community on this and hopefully that data will help us do our very best, which we never know exactly what's right when we're making such long-term plans, but do our very best to make the right decisions. And I appreciate that. And councilmember pool, I do appreciate you bringing forward the resolution on roe vs. Wade and making sure that it's very clear that this council believes that abortion rights are -- are rights our community deserves and are health care. So thank you for that.

>> Mayor Adler: Good. We'll take a vote. Councilmember troxclair?

>> Troxclair: I need to also be shown voting no on item 25. I missed that earlier.

>> Mayor Adler: Okay. So noted. Those in favor of the consent agenda please raise your hand? Those opposed? It's unanimous on the dais with the know additions made. Thank you all, staff, for showing up. Do we have a consent agenda we can work on with -- to dispose of on the -- I guess all the zoning cases have to be called after 2:00. So we can't do those now. So let's then get to the items that have been pulled. The first item we'll pull up will be item number 19.

>> Kitchen: Mr. Mayor? This is just an information item for you. I have to be at a ribbon cutting in the district at 11:45. So I'll be leaving a little bit early before noon.

>> Mayor Adler: Okay.

[10:56:40 AM]

We have speakers here to speak on item number 19. Mr. King, do you want to come speak? Is Mary ingall here?

>> Good morning. My name is Mary ingall and I live in district 9. Several years ago lady gaga was in my living room. I didn't invite her, but I also had the chief of police and don Pitts from the music department

with all the windows and doors closed, they couldn't believe how loud the music was. I live 30 blocks away from the red river district. I've been dealing with music trespass for over a decade. We live with more than -- we live more than 30 blocks away. We've been vigilant about calling in complaints to 311 with no results for years. We've done reconnaissance missions on our own trying to locate offending venues and sound. We've made appointments with other city management, councilmembers, assistant city managers and the police department for over a decade. We -- because we keep having the same problem with music trespass and nothing is being done to solve the problem, in 2012 we commissioned an acoustical study from a sound engineer to produce credible data to prove that the sound was traveling up waller creek basin into our homes. Even that fell on deaf ears. As it turns out, the sound was louder at my house than it was at the source. This sound is very difficult to track on the ground. I know from experience. This preexisting condition from waller creek basin has caused and still causes suffering.

[10:58:42 AM]

It ruins our quality of life. I stopped calling 311 about three years ago because don Pitts and the music department would respond to our emails and texts. He was not obliged to do this, but he would get in his car and find the source of the disturbance and he got results. Within 10 minutes the noise would stop. These emails need to be included in the data from 311 for complaints. What should be done? We need to make sure that there's no music trespass into our neighborhoods with the existing hours. We first need to have assurances from this city council that there will be penalties for music trespass and we will not be bothered by this intrusion anymore. Now there are no penalties and there is no rationale or motivation for the music venues to do anything differently. This proposed resolution with extended hours rewards the bad actors and it's premature because we need these -- we need these assurances that the red river outdoor music venues have done mitigation with advanced technology to stop the sound traveling up the waller creek basin. We need baseline data we need baseline data, data from the projected beverage sales, the cost for the city of Austin with increased police presence and enforcement on red river. The cost for the venues --

[buzzer sounding]

-- To install the technology and the actual pecuniary benefit to musicians. Thank you very much. Do not pass this amendment.

>> Mayor Adler: Thank you. Sonny duprie.

>> I'm Bob Taylor.

>> Mayor Adler: I'm sorry?

>> Bob Taylor.

[11:00:45 AM]

>> Mayor Adler: We'll get to you on the list. Is sonny duprie here?

>> Good afternoon, mayor and councilmembers. My name is sunny duprie and I'm general manager holiday inexpress, red river and 9th streets so I'm truly in the red river district. I have [inaudible] To the left of me and stubs to the right of me. We are here today in opposition of the ordinance to extend the decibel levels and operating hours nor the entertainment district. Our hotels were designed and built to mitigate the noise in the neighborhood as much as possible. We worked with engineers, we triple paned our windows, done what was necessary according to what was in place when our hotels were built. He with that said, we still have an exorbitant amount of guest complaints because of the music. That's going until midnight. To extend that ordinance to 1:30, to extend the sound decibel ordinance would impact my business tremendously. We are expecting close to 16,000 to 20,000 guests in the year of 2017. I can tell you just based on my guest complaints currently, that will triple and impact my business based on

guest reviews that state that we have a huge noise ordinance already. Any impact on our revenues will result in a loss of tax revenue for the city that is counterproductive to its efforts to support the music community. We support stubs, we support the Charlie's crosser the street, we support all those venues. We work very well together but to extend it to 1:30 in the morning is a lot for me to ask of my guests who would like to get a decent night's sleep when staying at a hotel.

[11:02:52 AM]

We are very disappointed we have not been previously engaged by city of Austin as to how this pilot will affect the hotel's revenue in 2017. We wish to support the music community and our neighbors whenever possible. This is an item that a sure to have a direct and negative impact on our business. We cannot agree to this for the reasons we respectfully ask the council not to approve the ordinance today. Thank you.

>> Mayor Adler: Thank you. Yes, mayor pro tem.

>> Tovo: I want to thank you for being here to provide this perspective. When your guests have concerns about the sound, do you record them to 311?

>> We have not reported up to this point just because we do do our best to notify our guests that music is playing until midnight. But moving forward with this ordinance and so forth, we will start reporting every single report that we've had.

>> Tovo: Thanks. And the reason I asked that is because there has been some discussion about whether 311 has been receiving complaints about noise and as we just heard from the neighbors or from one of the neighbors, you know, they don't report them because they take other means and I wanted to see if the same were true.

>> My hotel is directly across from the venues so you can imagine the sound impact that it is for our hotels. I mean if you were standing in one of my guest rooms and the music was playing, it's, you know, like the previous speaker spoke, it's like that entertainer is physically in your room, which we understand and that's okay to a certain point, but to extend it would be a lot to ask of my guests.

>> Tovo: Thank you. And since you are here, I just want to take this opportunity to thank you again. Mr. Kumar of the indigo hotel stood up in a discussion about homelessness and the need for resources, stood up in a presentation from the downtown Austin alliance in a room full of people and offered to actually pay for a caseworker and so the indigo hotel is paying for one of the caseworkers and we appreciate your participation in that effort.

[11:04:59 AM]

>> Thank you so much.

>> Mayor Adler: Mr. Casar.

>> Casar: Ma'am, and thank you for -- I had heard about you all's participation in that so thank you for that. For those of us trying to work through helping preserve some of the venues, I understand and appreciate y'all's support for music, but also that it's a ecosystem in which the music supports the industry around red river and the hotels. And so in working through this, if we do launch this pilot program, I would hope and ask that those of you who have businesses that also benefit from their being music to -- in the economic calculus we're making to think about also the potential damage to tourism and to hotels downtown if we had our great live music venues starting to shutter. And so I think that is the balance that we need to strike is while there may be some inconvenience to guests if they are staying on red river and there's live music playing later, the inconvenience to hotels and businesses if those venues weren't to exist at all.

>> Correct, yes, and like I said, we understand that I think the hotels were built under the current conditions and so with those current conditions we would like to continue that relationship and support the music community. It's just changing the current conditions and extending the hours, as you can imagine from a business owner's aspect and specifically a hotel where people are coming specifically to sleep, you know, it is a -- it's a -- it's a difficult thing for us to manage. Like I said, we want to support the music. We understand we are in Austin, it's the music central of, you know, Texas and we do inform our guests of that and most of them do understand that. But I think with the dynamics changing in Austin and you do have more of those corporate travelers that are coming here, you know, it is something that we try our best to do, but at the end of the day we have to ensure that our guests that are staying with us have some realm of sleep.

[11:07:02 AM]

>> Casar: And so your concern is you have -- you got set up on red river I anticipate because there are folks that want to come and listen to music on red river but that you also have corporate guests --

>> Correct. We do have a very large corporate amount of people who come to our hotel.

>> Casar: I understand. And as we work on this on the dais, just recognize for us there is also trying to keep the vitality of all those businesses.

>> Absolutely. And I've had discussions with our surrounding neighborhood venues and informed them, you know, obviously we are here to work with everyone. Music is a big part of what our hotel promotes as well. So we're not saying, you know, we want it to go away. We're not saying that at all. It just -- I'm just saying that it's in relevance to, you know, what our operation is. I understand that they have to do what they need to do, but we also have to do what we need to do in order to satisfy our, you know, 20,000 guests that will be staying in my hotels combined.

>> Casar: Thank you for being frank with your opinions and I hope that if the pilot program is successful that what helps it from this is figure how everybody can benefit from this equally and live together.

>> Absolutely. Thank you.

>> Mayor Adler: And I just want to -- I just want to reiterate that. If if this passes, it's going to be real important for you to stay engaged. I've been in this community for a long time and the recurrent issues of noise pollution related to the music as well as the desire for music venues to be able to find economic models so that they can survive that clash or the meeting of those tectonic plates has been going on for a long time. And my understanding is we'll have the economic development department talk in a moment that the intent of this is not to have homes or hotels living with noise pollution.

[11:09:03 AM]

The intent is to try to find a way to avoid that. So I understand that the pilot is both to test and see what kind of technologies or rules or enforcement are not in place now that should be in place to ensure that the homes up the gully are not impacted by the noise and that these venues, if they can, can live in concert with the neighborhoods. And that's what we're trying to find. Also to test the economic models to see whether or not there is, in fact, actual additional revenue that might actually be used in part to help find the solutions. So this is something that I understand is intended to be a pilot to test how we find the right answer, not to impose burdens on people, but to actually move us past the kind of the chronic battle that we've had for -- or challenge we've had for years now, to actually find the positive solution. So if this -- with reporting in interim periods of time so that if it's apparent we shouldn't be doing this anymore we can stop it. But my hope is just stay engaged in the process if this does pass.

>> Absolutely. That's my intention.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Actually my question may be for staff on the scope of this pilot because, you know, I can see some value to a pilot, but the resolution is very broadly written, you know, and so I have a number of questions at the appropriate time related to -- as I'm reading it, the design of the pilot program doesn't entail development with stakeholder input. I'm not seeing that. Maybe I'm missing that. And then it is a year-long pilot, which is a long time.

[11:11:05 AM]

And the decibel limits are open ended. Anyway, the language of the resolution is pretty broad in terms of what the pilot would entail. And while I may see a pilot as a useful, very useful to me I can understand the concerns because there's not much in the way of parameters around the pilot.

>> Mayor Adler: We'll have to -- we'll have the staff address that, and clearly this pilot doesn't work and -- you can sit down. We're trying to find if there's a solution that meets people's needs. So if we read a pilot and all the reporting comes back that we're blowing people out then we'll shut it down. So part of what those parameters are I think get developed over the course of the pilot as they find what -- what works and what doesn't work, and everybody is going to have an incentive to try to find the place where it works. I think everyone goes into this recognizing this is not going to be -- there will be no successful outcome to this if we're just pleasing one side and not the other.

>> Kitchen: Yeah, yeah, I understand that, just the -- what can be helpful for people is to have some clarity around what the process is. And, of course, everyone has the best of intentions, but without clarification around who is involved with the process, how long it goes on, where the stop points along the process, what exactly should be tested, I don't see any of that in here. And so I'm just asking questions about that.

>> Mayor Adler: No, no, and let's talk about that because I think the intent is to be open ended so that we capture any and all kinds of issues that might arise. We want to make sure obviously that the stakeholders and everyone is involved and they can be involved in that process.

>> Kitchen: We can speak to that when we get to it. There's no mention of stake holds in this.

[11:13:07 AM]

>> Tovo: I'm not going to spend time talking about this, but I wanted to let me colleagues and public know I agree with the comments councilmember kitchen has made and have heard some concerns about similar things from people who have written in and at the appropriate time I'm going to make some amendments. They will name some particular stakeholders. They will actually have a proposed shorter pilot or at least a check-in point with an affirmative vote of council to continue and then a change in the effective date to allow people to really make the best use of that short period of time because I understand that may -- or the shorter period of time. And then there was one more thing that addressed your points. Let's see. Shorter pilot -- ah, just making explicit what we talked about on Tuesday which is that the pilot can and will be canceled at the city manager's discretion or a vote of the city council if there are issues along -- that we didn't anticipate. So I think just, again, capturing what I believe and heard on Tuesday was the intent that if there are challenges that the pilot presents we do have the ability to stop it earlier. I'll pass those out at the appropriate time.

>> Mayor Adler: Okay. We'll continue on with the speakers. Next speaker is Matthew Stafford.

>> Good morning, council. My name is Matthew Stafford. I am the general manager of the soon to open Hyatt house located directly across from the hotel indigo. Hotel is scheduled to open in April and we are directly above Charlie's. Like Ms. Duprie previously spoke, I have over 10,000 guests that will be coming to the red river district and I'm firmly against extending the noise ordinance to the later hours. Uniquely about the Hyatt house and unique to downtown hotels, the Hyatt house is an extended stay property.

[11:15:13 AM]

It is where guests come to stay for five nights or longer. Sometimes months at a time. As the closest hotel to the

[inaudible] We also expect a lot of business from legislators coming into Austin. We expect to have a -- who expect to have a night's sleep. I think extending those hours would impede that and would have a direct negative impact to our business and to our guests.

>> Mayor Adler: Thank you. Next speaker, David King, I think you are back. Do you want to speak?

>> Thank you, mayor, mayor pro tem and councilmembers. I am speaking on behalf of the Austin neighborhoods council executive committee and we sent you a resolution and a cover letter regarding this item. You know, the Austin neighborhoods council executive committee, AMC, supports and applauds council's efforts to promote and support our local musicians and our creative ecosystem. And, you know, we think we can have all of the above. We can have neighborly policies that respect the neighborhoods and the businesses that are adjacent to these venues, and that also help the venues and the musicians. The complexity is going to be how we get there. But we think we can do all of this. But we have a concern about offering -- essentially offering carrots first and then trying to mitigate the damage afterwards. We think it should be the reverse. We know there are already concerns that exist, and we already know that there are strategies that work in other areas where we have outdoor music venues. At ACL Fest I have talked to many of the councilmembers about how strategies there have helped our neighborhoods so that that event can be successful and be enjoyed, but so that the effect -- the negative effects on the nearby neighborhoods are mitigated and minimized.

[11:17:29 AM]

We already know those strategies exist, so why don't we apply those strategies first as the first part of this pilot test and verify that they work here. Then if they do, then let's consider extending the hours. So we think it should be the other way around. We had a special call-in number at ACL Fest for neighborhoods to call into so those issues that directly related to that event were captured and responded to immediately. We already know and I know you've heard many times that 311 is just not effective. We've already heard that short-term rental issues were reported to 311, but somehow they didn't end up in being calculated or tracked with short-term rental issues. We call 311 many times, but those issues weren't reflected in the data for the str issues. The same thing has happened with noise trespass. We call 311, but somehow they are just complaints or not captured or categorized properly. So we need to make sure that the process we're going to use to track these calls is effective and that we can correlate those calls to this pilot test. And if this is about helping musicians and artists, then we need data, we need to be collecting data. So we can measure how it's going to -- what is the measure of success. So looking at the criteria in this resolution, I cannot tell you what is the measure of success. We all need to know what those measures are so that all stakeholders can look --

[buzzer sounding]

-- At the results and see that success was either achieved or not achieved. And I've sent you data, information about the data that we need to collect to help us determine what success looks like. Thank you very much.

>> Mayor Adler: Thank you. Ross Hamilton. Brian Garrett is on deck.

>> Good morning, mayor and councilmembers. My name is Ross Hamilton.

[11:19:29 AM]

I'm with jci hospitality and represent the ownership groups for the hotel indigo, holiday inn express and newly built Hyatt house hotels. I would just like to expand on what sunny and Matthew have spoken with you about from an ownership and investor's perspective. As sunny and Matthew described to you, in building our hotels we have made concerted efforts to mitigate the sound as much as possible. We knew where we were building. We are not here in opposition of the current noise ordinance. We are here to simply oppose the extension of the noise hours. This is something that, frankly, will have a huge negative impact on our business and our investment in the neighborhood. We are generally always in support of our neighbors, but this particular proposal is something that no doubt will, like I said, have a negative impact on our business. Frankly, we do not feel that a study or a pilot program is needed for you all to understand that extending music till 1:30 in the morning is going to increase guest complaints from our hotels directly across the street. We feel like that's a simple fact, that should be obvious and a pilot program is not needed to confirm that. Also it is our understanding that the city is currently looking at ways to use the new increases in the hotel-motel tax to help support the music community our hotels contribute to this -- our hotels contribute to this, we think contrary to what you are trying to achieve. Also, again, between the three hotels that we have built in this neighborhood, our ownership groups have invested close to \$100 million in these properties. When many others would not in the red river cultural district.

[11:21:32 AM]

We are excited to be a part of this neighborhood, but this is something where we feel like the city would be coming in and changing the rules, so to speak, after we were open. It's something that, quite frankly, if we had known about prior to putting these deals together and building the hotels, the hotels themselves would not have been nearly as feasible and they would not have gotten built. That's a simple fact. And we do not feel like it is fair or right to change that for our investment group after the hotels have already been built. Again, you know, we have become good friends with the music venues that this proposed ordinance is aiming to support. We want to help them however possible, but this one specific issue is -- is really something that's clearly going to impact our business severely and the significant investment we've made in the neighborhood. So we're here asking that you not pass it today. This is something --

[buzzer sounding]

-- Something, again, that we feel very passionately about. We ask you to strongly consider and as other speakers before me have noted, this is a very broadly written ordinance with no criteria in place to measure success. So thank you for your time.

>> Mayor Adler: Thank you. Ross -- thank you. Ryan Garrett. Bob Keller is on deck.

>> Good morning, Mr. Mayor, mayor, councilmembers, I'm Ryan Garrett, the G.M. At stubs barbecue and I've worked on red river for 16 years. I'm a proponent for the sound extension program, but I think a more apt term for this program is a music industry jobs creator because that's precisely what this program does. Upon hearing that this program was a possibility, I sat down with our talent buyers at c3 presents and through dialogue and forecasting what we established we expect 15 additional outdoor shows in a fiscal year.

[11:23:44 AM]

What that equates to is 35,000 more tickets sold annually. That's 35,000 more people coming to the heart of the red river cultural district to visit neighboring local businesses, to see live music at stubs barbecue and to enjoy what makes Austin Austin. When you sell 35,000 more tickets, what you do is you create a demand for a larger workforce. You need more sound technicians, you need more lighting



technicians, more stage hands, more box office personnel, you need interns from the university of Texas to assist in marketing endeavors. On a nightly basis when we host an outdoor show, stubs employs 65 active employees. Show days are long days. You are looking at a 10-hour day. That's 650 work hours created by one outdoor show. You do that 15 times over the course of a concert season and you've created more than 9,000 hours of work to locally sourced employees. Big house sound. Texas stage hands. This is significant economic impact. You couple that with more opportunity for local artists to share the stage with national touring acts in our amphitheater and you are exposing local musicians to larger audiences, providing that incubator, that spring board to hone their talent and advance their careers. We also utilize the indoor club stage for after shows so this is one more opportunity for musicians and skilled labor within the Austin district to come in and advance the local music industry. On Saturday nights stubs celebrates our 21st outdoor concert season. We launch it with dawes on Saturday night which we're very excited about. In the 21-year period, we have hosted more than 15,000 outdoor acts and received two sound violence -- we took a loan from the city to improve our pa system, to contain and create a more quality sound system that's less directional, more confined.

[11:26:07 AM]

[Buzzer sounding] I'll wrap it up real quick. I attended a music venue summit meeting last week in which councilmember tovo was in attendance and at that time officer earlyy made a statement since stubs took this loan program, we have essentially eliminated sound complaints. Since we improved our system, we have significantly curtailed and, quote, essentially eliminated sound complaints at stubs.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Bob? Thank you.

>> Thank you, mayor. I have a different story to tell. Our neighborhood has been experiencing [inaudible] Ever since we've been having outdoor music. We got together and formed a coalition, tried to have some effect on the problem. The four years that we lobbied as [inaudible] In our neighborhood, we received one problems]

[11:28:44 AM]

This experience we have not been able to listen to. Through the various local media and there is a deaf ear to this issue because no one wants to hear it because

[inaudible] For Austin. Austin has a whole lot of other reasons for being here. One of the ones that makes me proudest is what you all did this previous weekend, the support you gave to the womens March. Austin is a beleaguered community in this area. I'm proud that we're still here. All I'm saying is give us a chance, give us the status of stakeholders that we asked for over and over again. You give it to someone across the street from these venues, but you don't recognize that we hear those venues on 33rd street. Listen to the fact that this happens.

[Buzzer sounding] Thank you so much for your time and attention.

>> Mayor Adler: Thank you. Cody Cowan. Robert Corbett is on deck.

>> Sorry, I'm a little tall. Good afternoon, mayor and city council. My name is Cody Cowan, I'm manager of [inaudible] Merchants association on red river. The pilot program will provide us the opportunity to create jobs, create more opportunity to -- to create, to find a solution for some of the --

[11:30:56 AM]

[audio problems] To get the best acts we've all heard that we need today to find out where -- where the -- there are currently approximately four or five -- downtown that go to two of them with curfew extensions in that another of the 13 red river the opportunity to have a few more hours not even until 2:00 A.M. To address the issues of jobs, opportunities for artists, costs, and again, to create the [inaudible] We can. As general manager I've been working downtown over 20 years. I've been managing the mohawk for about eight of those. Like Garrett I've had zero sound violations during that time. We propose we are the best actors in the industry and you are going to see as the years go on us emerging as leaders discussing what the best practices are to help keep Austin music viable, to help keep Austin music vibrant. I propose that you vote yes for this program which will allow us to create that data and give you all the opportunity to see us as good actors. Thank you.

>> Mayor Adler: Thank you. Next speaker is Robert Corbett. Steven sturchin is on deck.

[11:32:56 AM]

>> When I came down here today, I didn't know this was going to be on, but it's something I've been interested in in the past and I would like to speak about it. The young people that have just presented-made their presentations in favor of this change, they are probably all going to be losing their hearing by the time they are in their early 60s. A lot of people I know including myself, are losing their hearing somewhat because of going to clubs when they were young and not taking into consideration what was happening to our ears. Really what you have, you have one man talked about 35,000 extra tickets. Well, what you're really talking about is 35,000 young people that are going to be inundated with enormous amount of sound when they are in these venues and they are going to be losing their hearing, it's really going to be a health issue that nobody seems to be talking about. And that's one of the things you all should be talking about is not just regulating the sound that's outside the clubs and how far it travels, but what's going on inside these clubs. When we care so much about health and safety of our young people, why do we allow them to be exposed to what is clearly levels of sound inside venues in our city that are going to be destroying their hearing and causing them grief and expenses including government expenses later on in life? It's absolute absurdity. Now, I have a story of my own regarding projected sound. A few years ago I started hearing sound in my bedroom at night, like the band was playing in my bedroom.

[11:35:02 AM]

I went, I thought oh, it's a new club down the street. No, it was actually two clubs, one was a mile from my house and one was two miles from my house. Then and he sounded like the band was playing inside my bedroom. Even pushing the pillow over my ears I couldn't get rid of the sound. So I ended up actually going to the mayor's office and I think at some point it took a couple months it went away. And I don't know exactly what the mechanism was for the venues actually toning down or going away, but it did. So I think it's completely ridiculous that anybody should have the right to project sound beyond their property line. And essentially terrorize citizens who don't want it. Can any of you give me a good reason for that? Anybody? Of course not. But what you want to do is you want to trade maybe money and jobs for the health of our young people and for the health of our general community.

[Buzzer sounding] If you want more, I can give you another three minutes. Thank you.

>> Mayor Adler: Thank you. Last speaker.

>> Good afternoon. My name Steve stern is also shrine, managing partner of empire control and garage. And director, president of the red river persian association, and I support this pilot program and I want to say a few words just to sum up some of the things that my colleagues have been saying to you already. The idea of increasing the number of venues that are able to have outdoor music till 2:00 A.M.

From 45 to about 50 should be strongly considered given the economic crisis facing the live local music industry here in Austin, especially in the red river district.

[11:37:26 AM]

There is a tremendous economic impact to increasing hours in our district just for these five locations. We are estimating overall the program will have over \$2 million in economic impacts to the local live music industry. Not to music venues, but to artists and music industry workers and music businesses in the community. There have been some -- there's been some conversation here about engaging stakeholders and the merchants association, we fully support sitting down with all the folks who could be affected by this and doing our best to work with them to develop a program that addresses all the concerns and takes into account, you know, the benefits and the costs of the program and of those concerns. We also are committed to providing data, economic data from our businesses to demonstrate the impacts that we've just projected. And we look forward to working together as a community with the city, with the stakeholders involved to help support and preserve, you know, this important cultural main stay of Austin. Thank you very much.

>> Mayor Adler: Thank you. You understand that if this pilot gets approved, this is not just a pilot to allow music to be played later. It's trying to find if there is a way for music to be played later in a way that is consistent with the other goals that this city has in terms of quality of life for people that live here or stay here.

>> Absolutely, Mr. Mayor.

[11:39:26 AM]

I think that we're eager to show that we can be good actors and that there is going to be a benefit to this program, but, again, the purpose is to collect data and understand what the best path forward is.

>> Mayor Adler: Okay. Thank you.

>> Thanks.

>> Mayor Adler: That brings us back to the dais on this item.

>> Houston: Mayor, do -- do we want to hear from the staff?

>> Mayor Adler: Let's bring up staff to talk and then to talk to us about this. Ms. Kitchen had to leave the dais, yes, leave the dais. She's going to be back at 12:15 and she asked if it was possible for this to not be voted on until she came back. So I'm letting you all know that.

>> Good morning, my name is --

>> Mayor Adler: Mayor pro tem, if you need time to prepare the amendments you were talking about, if you have them. Can you pass those out if you have them?

>> Tovo: Yeah, we're making one correction and then I'll pass them out. We'll be in the middle of citizens communication so is the intent when citizens communication is over we'll return to the item?

>> Mayor Adler: No, I would think we'll pull it back up after lunch. I think we would just pick it back up after lunch.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Staff.

>> My name is Alex Lopez, deputy detective of the economic development department. This item was actually brought to our attention through some research we did over the summer in our engagement with red river and through the omnibus resolution research that we did. The music commission took action on this in November requesting that -- or recommending that we gather data to measure the impact of extending this -- the hours similar to what sixth street already has. Our recommendation is

actually that it not be extended all the way to the hours that are allowed on sixth street, but that it be a little lower to really measure the impact a little bit differently.

[11:41:32 AM]

I know there's a lot of questions so if there's more specific details that you would like, I would be glad to share that. I know that the ordinance itself was broad. We do have a lot of ideas already as to the type of data we want to collect and we've been working with -- we've heard from the neighborhood association and the individuals, a lot of ones you've heard today and also the venues as to what kind of data is feasible for us to collect directly from them through monitoring equipment that we already have under contract, through additional staff that was provided to our office this past budget. And that the venues themselves will need to provide to us. So --

>> Mayor Adler: Okay. Mr. Casar.

>> Casar: Thank you so much for being here to answer some of our questions, especially with relation to what you are planning on tracking because I have heard from lots of nearby neighbors that they do -- or neighbors actually up the creek in particular that they want that information, and from the venues I think perspective I would think they would want to have those metrics to look back at to make sure that the economic impact is worth the change. And so could you go through what some of those things are? Folks have asked what the decibels are like before and after, economic impact in particular on the employees and musicians, those sorts of criteria, what are you guys thinking about making sure get tracked because I think that will be important for everyone if we do move forward.

>> We're not recommending any change to the decibel limits. It would just be the hours, the extension of the hours and measuring how many more -- we really would want to supplement the monitoring systems in place. We have we call them noise sentinel units that we used, I think they were referenced for a/c, we can place those units and basically it monitors the sound. We can place them close by, far, and it provides a link for anybody to be able to access to see the measurements at that particular location.

[11:43:35 AM]

We would like to collect that kind of data at different times, different types of -- we were also told weather impacts the sound levels. That's why we were proposing a longer term to be able to measure if that's making that much of an impact as far as the sound distribution into some of those more remote areas from the venues. As far as the economic impact, we've really been talking to some of the venues already because we know there's data we can collect, tax data we can collect as far as what additional -- what are the increments that we're seeing based on the extra hours that they are allowed, but we really want to collect a little more granular as far as how much of that additional revenue is going to local musicians, local bands and we have their commitment to show that to us at least in a collective way so we can really measure the impact and how it's trickling down to our music industry.

>> Casar: Great. And what about measurements on complaints from neighbors and also on sort of how the stakeholders will be involved?

>> And that's where we really think we can supplement the resources associated with monitoring right now both through the sound monitoring units that will give us that data that is stored and through people themselves. One of the positions that we received this past budget process is actually going to be focusing on nights and weekends. So having a person that can actually respond to these issues, we know APD can't always respond, but having somebody from our team that can go and confirm whether it actually is a particular venue, address the situation and then have that data back for us to analyze and

see what the situations -- what is causing those things and provide that in a more meaningful way to the council.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Thank you. I have some questions for you too. Some of them are questions following up on questions I submitted, so I'm going to go back to the Q and a.

[11:45:41 AM]

So I had asked the question of whether there would be sound -- whether venues in the area that are contained within the pilot would be required to invest in any additional sound mitigation strategies or equipment, and the answer was, they would not. Strategies and -- mitigation strategies would not be required but they could be recommended based on the data collected. Do you mean at the end of the pilot or --

>> Yes. At whatever point we're -- as we're developing data, and what I'm imagining here is if the data is saying that we are seeing those positive economic impacts that we've been told will be experienced, but we are also still experiencing sound complaints and sound issues. That's the opportunity to use mitigation efforts. If we want to continue to collect that economic impact and to harness that, we still need to find a way to mitigate the sound. So at that point, we might recommend additional mitigation efforts if we see that the noise is really still leading to venues that much.

>> Tovo: During the course of the pilot you would be making those recommendations or at the end of the pilot?

>> We could very well offer it during the course of it, but it's more at the end that we would say if we want to recommend something further, if we see that there's still a lot of issues, that could be one of the ways that we would recommend something further, if there's some mitigation in place.

>> Tovo: But in terms of -- in terms of -- okay. So -- but I hear what you're saying as, during the course of this pilot, if there are noise issues, there won't be a response asking for mitigation strategies during the course of the pilot.

>> Correct. During the course of the pilot, if there's violations, there's also consequences within the code that we can rely on. And that's why we're talking about either those venues not participating in the study anymore, their specific -- dropping them back to their regular hours that they have now, and even at that point, if there's violations as far as sound is concerned, there is consequences to being able to suspend their permit.

[11:47:52 AM]

So we could still rely on that type of enforcement for sound issues.

>> Tovo: So you believe that the ordinance provides for the ability to drop particular venues back down to their regular hours?

>> Yes. That is our intent.

>> Tovo: Can you send me which -- can you let us know maybe now or in a few minutes or later which passage -- which passage does that? It may be the same one you pointed out the other day, part 4, program requirements, B?

>> That's --

>> Tovo: Unless the music office determines --

>> That is our intent to cover it there. Yes.

>> Tovo: So just to be clear, that would be the passage that gives you the authority to pick out particular venues that are -- are having a lot of sound transfer during the course of this time and drop them back down, unlike the others that would continue on.

>> Correct.

>> Tovo: Okay. That's helpful. Thank you. So I heard you say today, and I didn't realize this, that they wouldn't necessarily be going up to two -- to 2:00 A.M.

>> No.

>> Tovo: So when time would they be going to?

>> What we are recommending is for Thursday nights, their current -- they be allowed to go to midnight.

>> Tovo: Oh, I'm sorry, I see that. I didn't know if there were shifts from those. It's exactly as it's stated here. But it would be 2:00 A.M. During the spring festival system.

>> Yes. Everybody --

>> Tovo: And 1:30 on the Friday and Saturday.

>> Correct.

>> Tovo: So I had asked the question about asking for A.P.D. Data, and it looks like this morning we did get that A.P.D. Data for tickets in the 6th street area by hour, and so I just let my colleagues know that that is now posted, and I thought I remembered hearing this anecdotally, but the data bears out that the highest number of tickets are in the 12 o'clock -- let me just pull it up and make sure I'm right about that -- in the 12 o'clock, 1 o'clock, and 2 o'clock hours for the most part, though 11 o'clock is pretty high, too. So at 11 the total tickets in the 6th street area were 134.

[11:50:02 AM]

At mid night, 126. I'd asked the question whether there had been conversationed with the Austin police department about their recommendation on this. They have not provided a inception.

>> They have not provided an official recommendation, but the interdisciplinary we designed would be collecting and viewing data because we would also be relying on understanding the impact on their forces on 6th street already. It would require them -- they already a system they use for 6th street, but it would require them to look at -- I believe it's three additional blocks north of what they already do, what's already covered in the 6th street entertainment district. So we want to know what that increment means as far as their forces and their impact.

>> Tovo: I guess, city manager, I have to ask the question of why they weren't involved in providing a recommendation. You know, I hear in part, because I represent district 9, which includes most of downtown, you know, I hear a lot about police staffing on 6th street and the real challenges of that, and, you know, the situation down there on the weekends, and so I'm -- I'm not sure -- I guess I just really wonder why Austin police department wasn't involved in the outset at developing this pilot and saying this is something we can manage, or this isn't, or this is something we can manage, but it's going to require these additional resources. Do we know if it will require additional A.P.D. Resources just for the - for the pilot sneered. Pilot period?

>> I do not know but I can ask the economic development staff to work with A.P.D. And get that information for you and ask A.P.D. If they do have a recommendation. I can't speak to why they were not consulted on the front end.

>> Tovo: I would just say we're poised to make a decision on it today, and it's not clear to me whether -- whether there will be an additional -- additional financial resources that are required just to -- just to cover the policing of this area, in an area where it already is -- you know, again, from what I'm hearing, a challenging situation for our police officer.

[11:52:13 AM]

>> Given the amount of comments and your concerns, I would suggest we postpone this at least one week so the staff can get together -- economic development staff can get together with A.P.D. So we can get you some additional answers.

>> Mayor Adler: You don't think we could get those answers over lunch? It's apparent we're not going to be able to take a vote till after lunch. Can we check that first?

>> We'll try. We can certainly try. I'll get in contact with A.P.D. And see if we can convene to get that work done today. But if not, I would recommend postponement.

>> Mayor Adler: Ms. Alter?

>> Alter: Good morning. I had an opportunity to speak with Ms. Lopez -- that's right? -- Last night at a neighborhood meeting, and we were able to cover some ground. I think that's not detailed in the ordinance, and I have several questions that I would like to be answered on the record, even though she and I have spoken about several of these. So as currently written, does this program automatically expire after 12 months?

>> Yes.

>> Alter: So, yes, it does expire automatically after 12 months? What happens if we do not take action 12 months from adoption?

>> The hours would -- all of them would go back to their -- the current standard.

>> Alter: Okay. Thank you. This is going a little bit to the questions of councilmember tovo, and it sounds like the city manager may be getting those with respect to police, but I'm wondering what information do we plan to track regarding the cost to the city for any potential increased public safety costs associated with the pilot? Can we include that data on public safety reports and incidents that occur in this area if those are created during this pilot program?

>> Yes. That is our full intent. We already have the indications or we know there's -- the data, as far as the responses to those years now.

[11:54:13 AM]

We definitely want to measure the increase, any kind of increase that we see, or if it's just shifting in time of responses, if they're still responding to the same numbers, but they're just responding to them later, that's what we had want to measure, and how that monetizes.

>> Alter: Okay. Thank you. Can we do unannounced random checks for these to determine if they're abiding by the sound ordinances?

>> Yes, we can.

>> Alter: Yes, we can? Thank you. One of the things I've heard loud and clear from the neighbors is that they're not using 311 so that calls into 311 are not a great measure of complaints, and that there's a desire to make sure that we're somehow capturing other ways that they may be complaining, like by your staff. But it does raise the question of what does it take to actually get a sound violation, and what do we do in the situation where you may have the following the sound ordinance, and the sound that's reverberating down there is not the same sound levels that once you go through digital stuff, two or three miles away, you may be experiencing it in a different way.

>> I think as far as the actual sound violations -- I don't think we have our sound officers here, but it's -- the code is very clear as far as the decibel limit at the property line. That's what A.P.D. Measures at the property line, the decibel limit, and at the time. Should they be quiet already or are they still allowed to play? As far as the issues further down, based on geology, based on weather, I think that's the data we need to see now. I know there was a study a few years ago and that did result in pretty significant changes, like stubs. Once we have that data, we can recommend further mitigation efforts if we're still seeing that kind of transfer of sound and music to these areas but we really want to measure what it's like now at this point.

[11:56:17 AM]

>> Alter: Thank you. So am I right that if a person had gone to your staff rather than 311 and then the venue adjusted it, that wouldn't show up in the violations, but it would have shown up, you know, as an adjustment that needed to be made, but we're not -- when we just think about violations, we're not capturing the fact that adjustments had to be made or there was concern spread by citizens? Is that --

>> Right. Right now, we don't have that D that's something that I heard from some of the neighbors, when we're looking at 311 data and we're looking at violation data, it's not complete, because there is intervention that take place that sometimes addresses some of these issues. We just want to document that better during the study period.

>> Alter: Okay. One of the things that I heard when we -- when our staff suggested this to the neighbors, and you said this was possible, but I do want to get it on the record, is, can we designate a dedicated complaint number for sound complaints during this pilot?

>> Yes, we can.

>> Alter: Great. Thank you. I think we need to be making sure that as we move forward with this pilot, that we are assuring neighbors that they have a very clear way of complaining and that there will be follow-up on the code. I'm sorry, I have several more questions on this. Does the ordinance limit the pilot to the five competition outdoor venues on red river?

>> I don't know if that's specifically written in the ordinance, but that is our intent. We want to work this -- we've managed and we're designing this program in a way to work with the five existing venues that are there during this time period.

>> Alter: Okay. But doesn't it, as written, if a new venue came in, they would also be able to extend their hours?

>> I guess they could, but that is not our intent. If we need to clarify something, we will gladly do that. We only want to be working with these five right now.

>> Alter: Okay. Thank you. And then, finally, I understand that we have in the works an agent of change policy.

[11:58:18 AM]

Can you help me understand how this change -- this ordinance relates to the agent of change and why we're not bringing those forward together?

>> There -- they're independent and the agent of change concept is actually married with an entertainment license, which is more of a revamp to a lot of the outdoor music permit that our office works on. The agent of change concept really talks about compatibility and who is creating that type of change in an environment. What we're talking about right now is the specifics of the -- the actual permit and the rules associated with the permit for outdoor music. We're looking at an area that is three blocks away from an area that's already allowed to play till 2 o'clock. So from our perspective, we're looking at what is the increment in both economic outcome and complaints and sound issues from those -- from extending that entertainment district those three extra blocks, versus agent of change, which is much -- a much more comprehensive policy or consideration of who is moving into what areas, how do we promote compatibility, not just downtown but across the community, across the city, and making sure that we value both residential areas and -- that want to have some sort of entertainment venues, but also have traditionally been associated with certain hours. It really gets into more of that more policy consideration. This is more of the administrative, how do we operate, how do we work this permit, specifically.



>> Alter: I appreciate that. I understand that I have a lot more to learn about the agent of change policy, but we just heard from several hotel owners, and I know I've heard from a lot of neighbors, and it seems like changing the hours has the effect of instituting one of these changes for those people.

[12:00:22 PM]

And it would be helpful to understand who becomes the agent in that situation and who's responsible. So, to me, they do seem like they are linked in intricate kinds of ways. In our conversation last night, one of the things that emerged that I would really hope that we can move forward on is that there's a real opportunity here to have a win-win, so we've had neighbors who are three miles away who are complaining about sound issues, and it's all about the base. So they are experiencing the sounds all the way up the waller creek gully, or whatever you call it, and they're experiencing that under the current hours. And one of the reasons that we are unable to address that is we

-- is that we haven't had the monitoring that we're supposed to have. I would like to see the., but as we think about how we put this together, it would be really wonderful if we could find a win-win where we could address those sound issues because we will now have the technology to be understanding it and make those adjustments that maybe we couldn't make before, and then also help these venues and the musicians to move forward. And I do think that we can get there, and I'm excited about the prospect of that. I think in my questions, you can see where I have concerns, and I think from my understanding, those are -- most of those are addressable in a revision of the ordinance. So thank you.

>> Uh-huh.

>> Mayor Adler: Yes. Ms. Pool?

>> Pool: Thanks for answering some of the questions here for my colleagues, and I'm interested in the answers that you're giving, but I'm curious that on a number of instances, you've mentioned that the intent of staff is to do, you know, a number of the things that councilmember alter pointed out, so I'm curious if that's your intent, why is that not mentioned? Why is that not listed in the resolution? I think it would be really important for us here to have a complete accounting of the things that you will be looking at, because that ensures that these issues will be looked at.

[12:02:32 PM]

>> I think the intent behind not being exactly specific about the measures that we wanted to collect is because if we find along the way that there's some other meaningful data point that we want to capture, we don't want to be limited. So we tried to be broad and as inclusive as possible to be able to capture as much of that information that we may right now not be considering or not be aware of, but as we get into this, we might realize there's other data we need to collect. That's the only reason.

>> Pool: Well, and I appreciate that answer. Are you capturing the questions and the datapoints that councilmember alter is listing so that when we do get the report from you, we will have answers to those questions?

>> Yes. Along with the specifics that that were referenced from ANC in their resolution, those are also some important factors that we want to be measuring and considering.

>> Pool: And could you please relist for me the stakeholders you're going to be working with?

>> Internally, we have all the different departments that are going to be involved with measure -- that could be impacted in some way. Externally, we're talking about the neighborhood associations. We're talking about the other commercial uses within the red river district, and of course the actual venues themselves. We also want to make sure that because of the intervention that our office is going to be doing, as far as monitoring is concerned, we know from 311 calls, there's a way that we can track that, but also complaints that we get, any concerns that we get directly, those people could -- are also

stakeholder in this process. So as we go through this analysis, we want to also keep them engaged, as much as they want to stay engaged.

>> Pool: Well, and we also recognize that 311 is not a complete and comprehensive accumulation of all the complaints. We heard that already this morning. So I would like to add some additional groups to make sure, and when we get to -- mayor, when we get to working on this item from the dais, I want to make sure that the music venue alliance, the Austin creative alliance, and specifically ANC as the voice for the neighborhoods are also part of the stakeholders. So my next question will be, how are you going to integrate the work of the internal stakeholders, essentially departments, and our external stakeholders, the ones who are actually affected by the sound coming from the red river district?

[12:05:03 PM]

>> The internal stakeholders will really be the ones that are helping us collect and analyze more of that data. Our external stakeholders would really serve as that first audience for the information. I believe the ordinance says after that it would go to the music commission. And then to you. But they would be the first -- those first recipients of this data, before we share it with anybody else.

>> Pool: And are you prepared to go out at the times of day or night when some of the residents north of the district are telling staff that they're hearing the bass, and it's true, it's the bass. We all know that. It just moves -- it moves differently than the treble. Are you prepared -- I mean because I know that when don Pitts goes out with his sound equipment -- and I don't think we -- I think we only have one -- how much equipment do we have for sound insert. Sound measurement?

>> Three units.

>> Pool: Okay. I think a couple years ago you only had one. I'm flat to hear we have some more. That will be useful. Are you prepared to have staff go out at particular -- at times when you might otherwise be asleep -- because I think the point the neighbors are making is that they're -- it's affecting them personally and it's easy for us, you know, on the dais or maybe south or west or east, we don't hear it. It's really important, I think, for staff to actually experience what people who are trying to sleep are -- and the hotel residents, what they're experiencing.

>> Right. And the units help us monitor a lot of that remotely, without a person having to physically be there, but our intent also with that position really is -- we're advertising it for nights and weekends, because we know we need the resources at those times to physically be observing the situation.

>> Pool: Thank you.

>> Mayor Adler: Council, it's just after noon, 12:06 -- I'm sorry?

[12:07:11 PM]

>> [Off mic]

>> Mayor Adler: Okay. Clearly there's still interest on the dais to discuss this. I propose that we would stop at this point, go to citizens communication. Mayor pro tem, if you have amendments in a form that the rest of us could look at during the lunch hour, I think that would be helpful. And then at the end of citizens communication I would assume we would break for lunch at that point. The legal department is prepared, if we want to stop and talk to each other while we're grabbing lunch, to talk about the textile bill, if we want to spend five minutes or so at the beginning of lunch to do that, so I would propose that we do that after citizens communication, just for a few minutes real fast, and that we give ourselves 45 minutes to an hour for lunch. Mayor pro tem.

>> Tovo: Mayor, I'd be glad to distribute those as soon as I get them, but I've heard -- if I could just say there were a couple things that our staff said were their intent, as councilmember pool said, one was to have a dedicated hotline. The other has slipped my mind at the moment, but there were several -- oh,

that it would be open to cert some venues, not all. I think the lunch break might be an opportunity to bring these forward. There were multiple times when I heard that was the intent but the ordinance doesn't necessarily reflect that. Having the additional staff member, for example, available for that kind of work. So I think that many of us would have a higher level of comfort if some of the intents were actually captured in the ordinance that we're being asked to approve today. So I'm not sure if we -- if all that can be constructed. I know I probably don't have time to make those amendments myself, but if staff could think about those, that would be helpful.

>> Mayor Adler: It would be helpful if before lunch you could make a list of those that we could have as an exhibit or an attachment to make sure we address those.

[12:09:11 PM]

>> Renteria: Mayor, if I could just -- I also want to know, you're saying that we have three of those sound monitor machines, if that's going to be used, and how long is it going to be tied up under this project? Because we have a lot of other issues with sound going -- especially on Rainey now, and down 6th street, east 6th, so I want to make sure that we still have some -- some of that equipment don't get tied up where we can use it for other locations that are having problems.

>> Mayor Adler: I think that's a good point. My hope is that if this pilot passes, that the lessons that we learn here, we're going to be able to apply throughout the city, including not only Rainey street but other locations as well. Ms. Alter?

>> Alter: I have a few of the items that I discussed already in friendly amendments to what councilmember tovo may be proposing as her amendments. There may be a few -- I haven't seen her sheet, but there may be a few that are not needed anymore once her amendments are in there, and I will pass those out before lunch as well.

>> Mayor Adler: That would be great. Passing those out will be helpful. We can take a look at them. All right. We're going to go ahead then to citizens communication. Mr. Evans is the first speaker. Is Mr. Evans here? Akwasi? Next speaker is Julian Reyes. Is he here?

[12:11:11 PM]

>> Where would you like me?

>> Mayor Adler: Either one.

>> Okay.

>> Mayor Adler: You have three minutes. Thank you.

>> Can you hear me okay?

>> Mayor Adler: Yes.

>> Give me a moment to get oriented here. Okay. Are we ready? We're ready. Hello, everybody. My name's Julian Reyes. Write for the challenger newspaper, street newspaper. You guys are familiar with it. I'm local homeless advocate, legal advocate, and I'm advocate for the homeless use, mascot from the 80s, you all know Homer the goose, he's been here at city hall and all over town. I'm here to speak on homelessness, and some of the things I've been noticing over the last ten or so things I've been in Austin and last six or so years I've been on the votes. So just to get started, I wanted to thank Mr. Adler, mayor Adler, city manager, and Morgan -- or -- where is the city manager here? Ann kitchen. Interim city manager. And city council, I want to thank you guys for listening to what I have to say here and hopefully reacting. Let's see, the two most treasured things that you all here have is, one, your word, and two, your image. The city's image and your own personal image and your own personal word and the city's word to the citizens of Austin. That's way more important than all the money your budgeting,

spending, and thinking about. I know it's close to a billion dollars. It's well, well over a hundreds of millions of dollars, and I'm told that we don't have any money for the homeless.

[12:13:14 PM]

I don't think that we're talking about the same kind of math. So that being said, your word and your image is important, and that money is not above them, we need to honor your word and your commitment. Last year in 2016, 146 statistical deaths of homeless occurred on Austin streets. That's 146 people died in your streets, under your -- under your care. They died of neglect. Most people in Austin, according to the statesman and Richard Troxel, Texas Rio grande legal authority, and challenger, most people in Austin do not die of natural causes like what happened to you and your family, they die of neglect, they die of violence, they die of abuse. This number is really low because we're not counting in-custody deaths, we're not counting people whose lives were destroyed through improper policing, and criminalized for human acts like sleeping. The reason that we have these problems, because there's problems with the city ordinance, the ordinances --

[buzzer sounding]

>> Mayor Adler: You can go ahead and finish your thought.

>> My thought -- is that three minutes?

>> Mayor Adler: It is.

>> Well, there's a whole bunch here. City ordinances, policies and procedures --

>> Mayor Adler: Pick the last thought you want to end with.

>> Okay. Right. So the reason we have these problems, city ordinances, policy and procedures criminalize ordinary human survival and functions which is a function of DOJ directives, and international human rights law. I suggest that you guys contact me. My e-mail is julian.reyes.human, you can reach me through the newspaper. It's just -- you can't say -- you can't -- what I'm told is that you guys don't have enough money to help with what we need, with housing and meeting the homeless, and you can't -- you can't say that you don't have enough money to save money. That's just incorrect logic. You guys really need to spend the money the save the money because the way that we're doing it costs two or three times what it would do to do it properly and that's against the law.

[12:15:20 PM]

>> Mayor Adler: Thank you, sir.

>> Thank you.

>> Mayor Adler: The next speaker we have is Brian Seay. And on deck is Jeanie Ramirez.

>> Hello. My name's Brian. I'm here to talk about a problem that we all know and hate, it's called phantom traffic congestion. I'll first start by introducing myself. My name's Brian. I've been a professional courier in this town for eight years. Prior to that I was a pizza delivery driver four years. Prior to that I delivered auto parts two years. I decided I knew what was wrong with traffic congestion problems in pretty much all of the 50 states. I decided to, two years ago, I decided to write it down. What I've done is create a seminar to instruct drivers about the information that they are missing on the roadways. I talkor in my reading AUT it, but I'll keep it moving. The first part -- it's a three part seminar that I've created. The first part is called the facts and physics of the roadway. It's designed to teach drivers how to handle their vehicles at high speeds. This is the problem that I see with phantom traffic congestion. We are unaware of how to handle our vehicles at high speed, so the chart that I've included and passed out to everyone is a high speed physics chart. The green means what's able -- what your vehicle -- the power source is in black, so the green is what is available safely. The yellow is what's not

very good, and the red is something that's dangerous. This is at high speeds. The second part is called the trials and tribulations of bad driving.

[12:17:23 PM]

This is where I focus on all the failed driving techniques that we use on the roadway that drivers are doing to try to eliminate it but they're not necessarily eliminating it, they're creating it by executing these failed driving techniques. The third chapter is actually the solution, it's call -- what is it -- I forgot the word, it's -- anyways, the solution is driving techniques that I've created, two in specific. One is the falling-back technique, and the second is the consumption technique. It's really the falling back maneuver, and the second is the consumption technique. These two work together to create vision and to create an environment that allows to eliminate congestion problems. It works differently than the way we currently solve congestion problems. The way drivers do it currently is, they remain five feet from the object in front of each other and they wait like a line at six flags and they continue to just move forward, stop, move forward, stop. My techniques work opposite to that and they are very effective. When I'm on the roadway and I execute these techniques, driver behind me pick it up. They recognize it and they mimic me. And all the traffic congestion seems to be less stressful. The third part is good for reducing stress. It's good for restoring vision, and allowing for excel acceleration, which happen during this phantom congestion.

>> Mayor Adler: Thank you. The next speaker, Jeanie Ramirez. On deck -- go ahead.

>> Hi, councilmember, mayor. I want to -- I'm Jeanie Ramirez. I am leading a revolution

[inaudible] I'm rock center, animal communities, political activist. I'm here to speak out about the fireworks on new year's eve that I and many other people said were very powerful.

[12:19:23 PM]

I experienced them. I'm asking the city council to up the fines on fireworks. You know, seems like the police just gave up. I get it. There's so many calls that night, but there are real issues with people, you know, PTSD. I have -- you know, it affects them. There were people that online, on the lower woods estates next-door, complaining that, you know, they had to drug their animals, and it just goes on and on and on. And I feel that if you hit people in the pocketbook, they will listen. I'm praying that y'all can get like some kind of film or video done, public announcement before July 4th, and up the fines. This is so serious. All it takes is one spark to burn down a house. Next thing I want to talk about is Donald Trump, he is not my legitimate president. I stand in solidarity with John Lewis, my hero. I also stand in solidarity with women who organized the March this past Saturday. Thank you, Steve Adler for being there. Anybody else from city council who was there. I feel that Donald Trump just -- you know, he is full of lies. I'm sorry. He just feels that there's not -- there was voter fraud, which there's not. He can't get over that Meryl Streep and other actors and actresses don't like him. Millions of people like me don't like him. I'm not going to stand with that bigotry and I will resist him. This is like a wake-up call for all the senators and congressmen in Texas that will stand with that he won't be in office for -- I don't care if he's been in office 20 years. He better listen. People are protesting and going down to your office and letting you know that we're not standing up for this. I stand in solidarity with all the council members and governors and mayors in these sanctuary cities. I'm sure there will be protests pretty soon in solidarity to that.

[12:21:24 PM]

I ask all these councilmembers here to be fearless. You will have to be very soon because, you know, people will start -- you know, criticizing you and saying, you know, you're not being equal to both sides. It's not about that. We will not stand for all of this unhinged activity coming from the president. I mean seriously? Investigating a fraud because he can't get over he did not win the majority vote? Get over it! They're telling us on the left, get over that he -- you know, that we lost. No, I say you get over it, get on with the business of running this country. You know, I don't trust him. He's pro Putin, pro Russia, but yet he can't be pro --

[buzzer sounding]

>> Thank you so much for letting me speak.

>> Mayor Adler: Thank you. Scene Zenobia Joseph and on deck is pinaki Ghosh. On deck. She'll go first. You'll be after here. You're up next. Scene.

>> Do you want my hand out first, mayor? I gave it to the clerk table.

>> Mayor Adler: Okay.

[12:23:39 PM]

Go ahead.

>> Thank you, mayor, councilmembers. I'm the Zenobia Joseph. My comments today are specifically related to cam capital metropolitan. From the visitors act of 1964, as you may be aware, capital metro is engaged in their service plan review, which is called connections 2025. Ora Houston has written a letter and given it to capital metro's board. However, they have still left 383 and 392, which impacts the taxpayers in district 1 and district 6 with an eliminated portion of 392, which is the route that dessau road up to the park & ride. There's also 383, which is the lakeline station bus, which would consolidate with the 392. It's relevant because vision zero says that capital metro will actually have safe bus passages and bus routes. And one of the things that's problematic with this particular route is that the citizens will have to cross at breaker and north Lamar. It is unsafe. There's no sidewalk there and also no safe passage as it relates to the pedestrian crossing. I want you to recognize that at least 574 citizens signed a petition opposing that route consolidation. One of the things that's very problematic, mayor, and I know you're on the campo board, and so are some of the other members, is that title VI prohibits discrimination against individuals based on race, national origin, or their color, and one of the things that capital metro has done is taken into consideration the input that they received, for example, on 6663, the far west bus that goes to UT, they've restored the service every 15 minutes to UT, in councilmember kitchen's district there are knew bus routes proposed.

[12:25:40 PM]

In manor there's the new flex bus. Bus in north Austin, there is nobody on that board advocating for us. Councilmember Garza talks about the working class individuals, and I applaud her efforts. However, she is one vote. I need you, the board, to actually send the letter to capital metro's board and ask them to do a service equity analysis before they have their February 17th work session. I have asked them six times, mayor, I have been before the board November 16th, December 5th, January 9th, and January that just passed, this past Monday, they are insistent on voting on this plan although it is discriminatory. They know it is. We've given them the data. The people who have signed this petition are predominantly people of color and people covered by title VI of the visitors act. I'm asking you to formally intervene so I do not have to file a complaint with the federal transit administration. However, they do require that you do an informal --

[buzzer sounding]

-- Resolution if you can, before you actually file the complaint. And so that is my request to you, and I hope that you will do something to help us with this particular bus route.

>> Mayor Adler: Thank you.

>> Thank you.

[Applause]

>> Mayor Adler: Pinaki Ghosh and then iris Leija, is on deck, is next.

>> Thank you for remembering my name, or saying it correctly this time. I have a presentation. I'll talk about your February topic, mayor, [inaudible] And housing. Many of you do not know, east Austin and west Austin have different building laws.

[12:27:41 PM]

We do not have any current laws, that means your next-door neighbor can buy your land and raise it by eight feet and put all the water in your property. We do not have any stormwater drainage system in 90% of the portions of east Austin. And we have a strange thing called [inaudible] Where somebody can do 80 to 90% coverage, various [inaudible] Activity. There is no common sense. What I'm showing you is not Donald Trump's wall. It's not [inaudible] Facts, it's real fact. Somebody just bought a house, land, and raised it by five feet. The little white house that you see on one side, that's Ms. Harding. She has been living there for 70 years. She just lost her equity because somebody raised the land and flooded her house and turned her house into a swimming pool. We have -- I am the chairman of the [inaudible]. Please look at what happens to houses on both sides. People who are -- who have maintained the neighborhood for 70 years, they are losing their equity. Equality and equity are two different things. We have to save people's equity. By the way, this lady tried to fight for this from 2014 when it was being built, she has all the complaints and everything. But, again, she -- code compliance came, closed the ticket, and she's on a verge of tears. Every time she talks to me, she cries. And how appropriate name, southwest destructors. When you look at our neighborhoods, it's really carnage going on. It's literally. And when you see in the street, that's basically the soil coming down from the demolition and coming down in the street. And the same thing is going to happen to my neighborhood. My home will be washed away. But I haven't come here to talk about my neighborhood. What you end up with is [inaudible] Because all these builders are building, knowing the city will be paying for the cips.

[12:29:42 PM]

If neighbors end up with damaged foundation because our house is on small pier and beams, and hazardous materials are staying there in the field for sometimes a

>> The next area I'll be talking about is mobility. Because this also creates security, there is a plan, and from our side, we are trying to connect to the east link plan. If you see, is the only source of feed in our neighborhood. We put people together, we have put everybody together, we have created a network, and this -- can I get 30 seconds?

>> Finish your thought.

>> There are five elements I have here that are marked. What I need from the band money, about \$15 million, this will connect 12,000 people in three districts. I repeat, this will connect 12,000 people in three district bs through bike and hike trails and these people do not have cars. Most of us go to Mueller for food and work. I request you personally, mayor, to help me with this.

>> Mayor Adler: All right. Sir, thank you. Jennifer "H" Alo will be up next.

>> Good afternoon, mayor and city council. My name is iris. I am a prep cook in the Austin airport and member of the hospitality member's union. Very often we hear when employees do the wrong thing. Well, today, I want to talk to you about some employers that are doing the right thing.

[12:31:44 PM]

From sky shift at the airport, who last year signed an agreement to significantly raise the wages, and improve working conditions to concession workers at St. Edwards, who negotiate their first union contract with improved wages and health care, to the company I worked for. Last year, the city council approved extending the living wage to all of the airport concession workers. That was set to go in effect later this year. Our employers, sat down with our union, and we worked together to come up with an agreement that will not only have the living wage kicked in January 1st, but also adds additional rates to the living wage. This year, for the first time ever, we'll have airport concession worker whose make \$15 an hour and above. This will make big difference in the quality of life of our families, and I will ask -- will allow us to have more money to spend in our communities. This is in addition to our quality health care, paid sick day, and many other benefits we have in our union contract. As the airport reissues the concession, we are reaching to the employees to work together with them in the same manner. When we work together, everyone wins. Once again, on behalf of my co-workers, we would like to thank the city council for your support in making this happen. We also would like to congratulate all of the other employers doing the right thing.

[12:33:46 PM]

Thank you.

>> Mayor Adler: Thank you.

[ Applause ]

>> Mayor Adler: Jennifer hela, and our last weaker is Ku young Kim. First we have Jennifer hela. Is she here? Sir, sir? Mr. Kim, she's going to go. Is she --

>> Sorry.

>> Mayor Adler: You're next. She's first.

>> Oh, I'm not?

>> Mayor Adler: You'll go next.

>> Next? Okay. Good afternoon, counselors, my name is Jen hela, I am representing advocates against homelessness Austin. Pardon me, I'm not good at public speaking. We believe that we are as a society how we take care of the ones at the bottom. I want to, at this time, present our five steps that must be done to six 6th and natchez. We want to help make it better. Aha believes to fix the arch things must have. There's a change in the leadership. That they pay the lower level employees more. Reconcile why the owners of the parking lot next door are paying \$1500 a year in property taxes while the lot sits half empty during the day. And finally, turn the arch into a harm reduction center funded disability center. Number one, remove Leroy Engel as hr director of front steps. I just had somebody read over this. I don't actually know how many minutes I have.

>> Mayor Adler: You two two minutes left. Okay. Okay. The hr director violates hipaa laws and protected health information.

[12:35:49 PM]

He demonstrates belief people need to bootstrap their way out of hardships. He imitated mental illness that is not acceptable if you have not seen combat. His negative actions are depended by the director. I am a disgruntled former employee. I worked for 366 days and was shoveled out of the door in the model of manic episode. In part, regarding my paid time off was a driving factor for my episode. Number two, pay employees who work in the arm a fair wage. City of Austin mandated all city employees would



be paid a minimum living wage of 13.03. Yes? If the arm is a city-owned building, why are there employees who make \$10 an hour and not gotten a raise. May front step employees receive the same treatment other employees receive. It's imperative. Do you know how and draining it is to work there. Have you ever had to pick up a syringe and turn it into our boss's boss. When did someone scream at you or call you a bitch, pardon me. Obviously the employees are not there for the money. While it is good and valuity daing work, it is certainly that. Someone said they don't work for front steps they work for the arch, front steps writes their paychecks. Case managers make \$15 an hour with a masters degree. There's been employees been with the agency ten years that still don't make \$13 an our hour. Please bay them more. Actively look to allow things, allow the agency to remove or replace Mitchell Gibbs as executive director.

[ Buzzer beeping ]

>> Thank you.

[12:37:49 PM]

[ Applause ]

>> Mayor Adler: Mr. Kim? This is our last weaker. You have three minute, Mr. Kim.

♪♪ O say does the star spangled banner yet wave 'ore the land and of the free and the home of the brave ♪♪ that's your country song. I'm from South Korea. I'm a Korean American, I have been here for 11 years since 2006, some of you saw me several times. I am here to teach you and all of you, and president trump and U.S. Congressman, speaker, all of the U.S. Court, why? They don't know English. That's the problem. Right now, the disaster of American government is law schools of Harvard, Yale, Stanford, law schools are broken, sculpted, like animals. They don't know the law. They don't know English, either.

[ Indiscernible ] He wanted to deport all illegal aliens. There's no such law by right. Sure, they support all undocumented illegal aliens. He did not show up any pipe papers. De not show up any laws. This morning, yesterday, there's no law. Why? We don't have the law. We need arrest him, put him to jail.

[12:39:53 PM]

He's a terrorist. Anti-christian. He killed christianity. He is all terrorists. I have evidence here. Governor Rick Perry wrote to me. Deportation, or removal is a issue. Same thing. The lawyer, Brian newly wrote to me same thing, when did you change the law? He has authority to depart all aliens. There's no law. He told president Obama and federal government, several thousand times to deport illegal and undocumented aliens. There is no law. We need support. I am here to support Hernandez to rest --

>> Mayor Adler: Thank you.

>> There's no policing here.

>> Mayor Adler: Mr. Kim, thank you very much for joining us today. Thank you. That's our last speaker.

[ Applause ]

>> Mayor Adler: Council, it is 12:41. We're going to break for lunch. We're going to stop for five or ten minutes for council to talk to us quickly about the textile matter. What time would you want to come back from lunch? I would suggest 1:45 or 2:00. 1:45 work? Okay. Let's come back at 1:45. City council will now go into closed section to take up one item pursuen't to 151 of the city code.

[12:42:02 PM]

City council will discussion issued relating to item 42 to approve resolution related to the Austin textile contract. If there's no objection we'll go into executive session. Hearing none, we'll now going into executive session, returning at 1:45.

[1:54:04 PM]

2 O. H2o h2o-million-dollar  
[executive session]  
[Executive session]  
[Executive session]  
[Executive session]

[1:58:47 PM]

[ Executive session ]

[2:08:33 PM]

>> Mayor adler:so we are -- we're out of closed session. In closed session we took up and discussed legal matters related to item number 42. It is 2:08. We are now going to continue with our meeting. Before we get to item number 19, let's see if we can identify and dispense with consent zoning so that we can let a lot of people go home

>> Thank you, mayor, council. Happy new year. Item 53, npa 2017 0010.02, property located at 622 pert Nellis street to approve third reading, ready for consent approval, item 54, property located at 2416 east sixth street to zone the property to csb-comp, ready for consent approval on third reading. Item number 55 is case c14-2017-0043. This is to approve the zoning at 622pertinellis street to approve third reading on consent, item 55. Item 56 is npa-2017 0005.01 for various properties on thrasher lane. Staff is requesting a postponement of this item to your February 16th agenda. Item number 56. Item 57 is case c14-2016-0070. Staff is requesting postponement to your February 16 agenda. Item 58, npa-2016 0005.02 for 67 and 6800 east Benway boulevard and 2601 montopolis drive lane.

[2:10:41 PM]

Applicant requested indefinite postponement, would require renotification in order for this item to come back to council so there's no action required on item 58 today. Item number 59, is case c14-2016 0085 for 2601 montopolis drive, 6700 and 6800 east Ben white boulevard, indefinite postponement and require a renotification before it comes back. Item 60, c14-7220, restrictive covenant termination for 6700, 6800 east Ben white boulevard and 2601 montopolis drive, indefinite postponement, no action is required on this and it would require renotification to come back. Item 61npa-2016 0005.03 for various properties on montopolis. Staff is requesting a postponement of item 61 to your March 2 agenda, item number 61. Item 62, c14-2016-0113 for various properties on montopolis drive. Staff is requesting postponement of this item to your March 2 agenda. Item 63, npa-2016-0013.01, Bouldin creek neighborhood planning area, south second street. The Bouldin neighborhood association is requesting postponement of this item. The applicant agrees to this groundhog day February 2, item 64 is a related zoning case, c140077 for various properties on south second street and 705 Christopher street. Again, the Bouldin neighborhood association requested postponement of this item and the applicant agrees to postponement to February two.

[2:12:50 PM]

Item 65 for the property located at 2312 east Cesar Chavez. Staff is requesting a postponement of this case to your March 2 agenda. Item 66, c14-2016-0079 property located at 3212 east Cesar Chavez street, staff is requesting postponement of this item to your March 2 agenda. Item 67, case npa-2016-0021.01, applicant request for postponement of this item. This is located at 50161 half east Ben white boulevard, applicant requested postponement to February 16, item 67. The related zoning case is item 68, c14-2016-0069, for the property located at 50161 half east Ben white boulevard, applicant requesting postponement to February 16 agenda. Item 69 is case c14-2015-0119 various properties along shoal creek boulevard. This item has been withdrawn by the applicant. There's no action required on item 69.

>> Item 72, property located at 3300 oak creek drive.

[2:14:54 PM]

Applicant requested postponement of this item to February 2. The applicant made the request. The neighborhood is in agreement, and I think councilmember pool also referenced this at the work session to be postponed to even if two. Item none 73, 74, 75 are related cases. Item 73, c14-2016-0050 for various properties on east fifth street. The neighborhood has requested a postponement of this item to the even if nine agenda. I understand from the applicant's agent they would be in agreement to the postponement, which as I understand is a first request and would be supportive of councilmember Renteria had posted on the bulletin board and would ask that council consider first reading on the ninth of February 2 reading on the 16th of February coming back no later than March 2 for third reading and I think they would like to speak to that very briefly but they would be leaving it on consent. Item 74 related case, c14-2016-0049, for two properties on east fifth street, again neighborhood requested postponement of the item to February 9. The applicant's agent

[2:16:55 PM]

-- item 76, for the property located at 4507 and 4511 Benson drive. We have a neighborhood request for postponement to February 16. The applicant is in agreement to a postponement of February 2. So this will be a discussion postponement but both parties agree to postponement but not necessarily the date to which it would be postponed. That's item 76. Item 77, c14 himself 2016-00781, 1301 west canyon lane, applicant requested postponement to February 9 agenda. Item number 78, c14-2016-0087 for the property located at 2431 east altor street. This is a zoning change request recommended by the planning commission to mf6-co. This is ready for consent approval on all three readings, item number 78. Item number 79, case c14-2016-0096 for property located at 7901 ranch market 2222. I understand there is a valid petition on this and I understand this is a discussion item and that, mayor, you may have one or several people signed up on this particular case, item 79.

>> I'd like to pull 79 too.

>> Very good. Item 80, c14-2016-0097 for property located at 4714 south congress avenue. I understand this is also a discussion item, mayor, I think you have citizens that may have signed up for item 80. Item 81, c14-2016-0100 for the property located at 1207 west 22nd street. This is a zoning change request recommended by the planning commission to sf-4a-co-mp combining district zoning.

[2:19:00 PM]

I believe you have revised ordinance on the agenda limiting it to a single dwelling unit per lot and this would be ready for consent approval that updated ordinance that's on your dais for all three readings. And the clarification was just to make sure there's only one dwelling unit built per lot. Item number 82 is case c14-2016-0106. This is property located at 4411 south congress avenue. Mayor, I understand we have citizens that may have signed up for this to discuss item 82. Item 83, c14-2016-0110 at 105 west avenue. The planning commission's recommendation was to grant the dm-co combined district zoning, ready for consent approval on all three readings. Item 84 case c14-2016-0116 at 1616 east alton street. I understand that we could offer this for first reading only. There was a unanimous planning commission vote on this case of 11-0 on Tuesday. And they added two additional conditions to this. One, there would be no pawn shops and, second, that drive-in uses would require a conditional use permit. And with those additional conditions we could offer this with consent for first reading only of the commission's recommendation. Item 85 is case c14-2016-0117. For the property located at 2310 San Gabriel street. Planning commission recommended to grant lr-co combined district zoning and this is ready for consent approval on first reading only, item 85. Item 86, c14-2016-0119, 3119 east Howard lane.

[2:21:06 PM]

Zoning and platting commission's recommendation was to grant the w-lo zoning with conditions. And this is ready for consent approval on first reading only. Item 87 is case c14-2016-0123 at 6914 Mcneil drive. Zoning and planning commission's recommendation was to grant gr-co combined district zoning ready for consent approval on first reading only and finally item 88, c14-2016-0127, 1608 bark clay drive, zoning and platting commission's recommendation was to grant sf-2 district zoning, ready for consent approval on all three readings. Mayor, if I can back up to 84, I forgot to mention one thing on that. When the planning commission made the recommendation actually it was for cs-mu-co combined district zoning so I'll make that one notion on item 84.

>> Mayor Adler: Thank you. What did you say about item 63?

>> Item number 63 is a neighborhood consent for postponement to March 2 -- excuse me, not March 2, February 2, and the applicant agrees.

>> Mayor Adler: Okay. What about item 55?

>> Item 55 was for doesn't approval on third reading.

>> Mayor Adler: Okay.

>> And I think the -- mayor, the only -- there is a postponement item where there was a disagreement on the date of the postponement, and that was item 76.

>> Mayor Adler: Right. I got that. This is what I'm seeing. I'm seeing the consent agenda runs possibly 56-88 in terms of items and in that regard the ones that I see being pulled, either because you've indicated it or because there's two or more people here to testify on that, being items 72, 76, 79, 80, and 82.

[2:23:29 PM]

>> Actually, 72 was a agreement for postponement.

>> Mayor Adler: That's right. Someone just wanted to -- okay.

>> Make it absolutely clear that it was the applicant's request and neighborhood agrees.

>> Mayor Adler: Okay.

>> It was -- 76 was a discussion postponement item.

>> Mayor Adler: Okay. 72 has seven speakers waiting to speak. So let me ask, given the postponement, whether the speakers still want to speak?

>> And I have a neighborhood representative here that can speak to that.

>> Mayor Adler: Mr. English? Do y'all still want to speak on this?

>> Yes and no. Ed English I am speaking on behalf of the neighborhood and we did sign up speakers Monday afternoon because at that point we were not sure that the postponement would be agreed to and go forward. The -- that is the case. We have no objection to their postponement. So we have no speakers. There was no need for it. The speakers have been sent home.

>> Mayor Adler: Sounds good. We won't pull 72 and it will be postponed. The ones showing being postponed are 76, 79, 80, and 82. Is that correct?

>> Yes, that's correct.

>> Mayor Adler: Okay. Now, before we take a motion to approve those, there's some people that want to speak on the consent agenda? So I want to offer people the opportunity to speak. And the ones that I have eligible to speak on the agenda first is Mr. Ross here, James Ross? No? What about Gus Pena? Is Mr. Pena here? Okay. Let me look at the next one. Is Mr. Pena and Mr. James Ross -- James again. I also have David King to speak on item 63. It's been postponed. Do you want to speak? Okay.

[2:25:30 PM]

Then I have item number 64, again, Mr. King. This is an item that is being postponed. Do you want to speak? Okay. 72 we just cleared. 73, the applicant I think wanted to speak. Concerning the postponement request to February 2. This is the saltillo matter.

>> The applicant just wanted to say a very brief couple words. Mayor, as the agent is coming up.

>> Mayor Adler: Yes.

>> You had mentioned 56 was at the beginning of the consent agenda --

>> Mayor Adler: I meant 53, sorry.

>> 53, 54.

>> Mayor Adler: 53-88.

>> Good evening, mayor, council, Michelle houseman with [indiscernible] Solutions representing endeavor real estate group on 73, 74, 75, plaza saltillo and we wanted to mention this has been in the planning process over 20 years, detailed information regarding the project was made available to the public during an open house about capital metro as well as during the unanimous capital metro board vote in March of '16. Since there have been several delays in the rezoning process, including five postponements of the planning commission, the site plans for this project were submitted in '15 and are currently pending, awaiting these rezoning approvals. And I just wanted to -- we've assured councilmember Renteria that we're available to meet with the members of the community who are opposed or have reservations about the project any day now, between now and February 9, and listen to their concerns as we have throughout this process. I wanted to thank councilmember Renteria for posting on the message board as Mr. Guernsey mentioned and supporting the following schedule giving today's postponement for first reading, having first reading on February 9, having second reading on February 16, and having third reading on March 2.

[2:27:37 PM]

This will inform the community of the schedule up front, as well as in advance of these council dates. It's time to move forward with these items so this important community project can become a reality.

Thank you very much.

>> Mayor Adler: Thank you. Mr. King, you had also signed up on these items? Okay. That gets us then to item 79. It looks like --

>> I had requested pulling 79.

>> Mayor Adler: What was happening with 79?

>> Alter: That was from --

>> Mayor Adler: That's just being pulled. Okay. I'm sorry. 79 is being pulled. 80 is being pulled. 82 is being pulled --

>> Mayor, I don't know if you want to do the discussion postponement after you finish the consent agenda?

>> Mayor Adler: After we finish the consent agenda. Because that's a discussion item. All right, is there a motion to approve the consent agenda? Ms. Garza. Second Mr. Renteria. Again the consent agenda goes from items 53-88 and the ones that are being pulled in that group are 76, 79, 80, and 82. Discussion, mayor pro tem?

>> Tovo: Mayor, incorporation wanted to note I'm recusing myself from 63 and 64 and I filed an affidavit with the city clerk.

>> Mayor Adler: Okay.

>> Renteria: Mayor?

>> Mayor Adler: Ms. Pool and then I'll come back. Hang on one second.

>> Pool: Thanks, mayor. I wanted to make a couple of comments on 1301 Koenig lane, item 77.

[2:29:37 PM]

I understand the developer wants to postpone for two weeks to work out issues regarding the floodplain and that is -- that's great and everybody is in agreement with that so we will -- I will be supporting the postponement. In addition I'd like to use this time to see if we can find some ways to shape the project into a win-win for everybody involved and so I have a couple of comments for my colleagues on the dais but also to the applicant and the neighbors. I had heard throughout early discussions that there was interest in the neighborhood in having a robust mixed-use element here to provide some community benefits, so I would like to look for some ways to achieve that with this development. I also secondly think this is an excellent opportunity to get some affordable housing for families in a central Austin neighborhood. This is the Brentwood area and I'd like to see some options for getting some affordable units here from the applicant. And then, third, I really deeply appreciate that the project before us has considered compatibility with the neighborhood and I'd like to ensure that that goes forward, that continues going forward, especially keeping the height at a reasonable level that doesn't overwhelm the surrounding neighborhood. I think there's some restrictions related to compatibility that will constrain height and I want to respect that. So with those three things in mind, mixed use, affordable housing, ensuring compatibility continues with the surrounding neighbors, I'd like staff to bring us options on achieving some of these goals. I know there was some thought that vmu could help us reach these goals and my staff actively looked into that as long as it was handled carefully so I'd ask staff to consider what it would look like to stay in touch with the neighborhood and the developer and to come back with us with some potential options to help us achieve some of these important community benefits. Mr. Guernsey, if you'd like comments of my copies here, we'd be able to send them to you.

>> We'll follow up with your staff.

>> Yes, Luis is here, that's great.

[2:31:39 PM]

Thank you. That's all I had on that.

>> Mayor Adler: Okay. There's been a motion and second for the consent agenda. Mr. Renteria.

>> Renteria: Quick comment. I also want to thank the -- capital metro and the endeavor and willingness to work with the neighborhood. I just want to let them know that I am committed to this schedule and

that -- and I'm gonna try my best to make sure that we can work something out that will fit this -- that will make this development go forward.

>> Mayor Adler: I'll join you, Mr. Renteria, in your desire to move with that schedule. Any further comments? Okay. Those in favor of the consent agenda please raise your hand. Those opposed? It's I'm sorry on the dais, consent agenda is approved. Okay. Thank you. Do we want to address the postponement question before we go back to number 19? Call item number 76, let these people know whether they should -- I guess it's gonna be postponed. It's only a question of the date. Is that right?

>> That's correct. Actually the applicant is agreeable to the 2 of February and the neighborhood has requested postponement 16th and we have each representative of the applicant and the neighborhood could come forward and explain their position.

>> Mayor Adler: Okay.

>> Again, this is for villas at Vincent oaks.

>> Mayor Adler: Item 76.

>> Item 76 at 4507-4511 Vincent drive. If the neighborhood representative and applicant could come forward.

>> My name is ray Collins. I'm a member of the south manchaca neighborhood plan contact team.

[2:33:40 PM]

We're asking -- we started asking for meetings with councilmembers immediately after the December 13 planning commission meeting on this up zoning request and making a concerted effort we've only succeeded in a little less than half the cases of meeting with councilmembers or staff. Even though we've prioritized meetings with our councilmembers who representative south wood districts 2, 3, and 5 and are now working on the remaining councilmembers and the mayor. Councilmembers and staff are all very busy people and appointments have been slow in coming because of the neutral steps of phone calls, emails, and some customizing of presentations to councilmembers' interests. Even new newbies like us realize meetings with the councilmember before the council meeting itself are much more important than anything we might present during the council meeting and, therefore, we are asking more time to make more appointments and speak to more members and their staff. Thank you.

>> Mayor Adler, councilmembers, good afternoon. I just learned of the request to postpone the first hearing a couple days ago. I don't think there's a need for this. Largely because no new information has come out since a month and a half ago, the decision by the planning commission. And previous to that meeting I had postponed the planning commission date three times in order to reach out to the neighborhood. Engagement with the community started over a year ago, early last January. And I have hired community outreach in August, and I've made concerted efforts over and over to reach out to the community.

[2:35:40 PM]

The process to date has resulted in numerous conditions being placed on the zoning request, which I think everyone looks at this would agree additional benefit protection to the neighborhood. I think the planning commission did a great job of taking everyone's needs in concern and they basically weighed my rights as a developer, the local communities' needs, as well as greater Austin and actually helped the community by imposing stricter protections, including the compatibility setbacks, limiting basically the development to current sf-3 standards with additional compatibility setbacks as well as limiting ingress and egress on to Vincent drive which currently that protection isn't there. Basically, should the council feel like this postponement is necessary, I'd ask for a limit to one week. Each time a delay occurs it occurs at great financial cost to me. I trial appreciate your time and consideration in this matter.

>> Sir?

>> Mayor Adler: Real quick, sir? Applicant, sir? Just a quick question. And I understand your desire not to have a postponement. Usually at this point in the process if either side requests one they get one. Can you talk about if it's going to be -- since it's going to be postponed, what's the prejudice in having it in one week versus two weeks? Or three weeks, or whatever the difference is? The second to the 16th. Another two weeks.

>> Sure.

>> Mayor Adler: What's the prejudice in one week versus three weeks' length.

>> Obviously any amount of time is money in development. Main reason I currently have two active site plans going on. I just received comments from my sf-3 plan which I don't want to be doing but I am having to do.

[2:37:41 PM]

There's time limits there where I have to respond in a certain amount of time. And in order to do those responses obviously you have to hire engineering and architect. There's a lot of work and cost to that so literally time is money. I'm just trying to limit the amount of time. Again, no new information has come out. You know, maybe this is not a stalling tactic, but, you know, I have time to reach out to everyone.

>> Mayor Adler: Is it possible, Mr. Guernsey, to allow this applicant not to have to process a site plan in that additional two-week period of time so that he's not doing work potentially needlessly?

>> As I understand it, he has two applications I guess that have been filed. And the question is, would -- concerning an update to one or the other, it sounds like. So he can continue with the zoning case. He could not get a site plan approved unless the zoning is finalized. But there's nothing impeding him to do an update. I think the dilemma for the applicant is which one does he go forward to continue to work on or does he just kind of sits and waits for council to take some action, then he'll move to go complete one or the other.

>> Mayor Adler: All right. What I was not following was it sounded almost like in this additional two-week period of time he actually had to work on both of them, he didn't have the option of waiting the two weeks to see which one to work on.

>> Yes. And as far as I know he could keep working on his applications.

>> Mayor Adler: Does he have the option of not working --

>> I could stall one but then that just means that the comment period is shortened. I could not work and wait for first hearing to get a better indication of where I'm going should that not go well, then I would have to hurry.

>> I don't think there's a --

>> Mayor Adler: Therefore a way for us not to prejudice him or we could hold things for the additional two weekends so he has the full amount of time to be able to comment --

[2:39:44 PM]

>> I'm not aware that he's under a deadline, that his applications are gonna expire.

>> Not fully expire, just comments have to be returned within, I think, four weeks.

>> So there is a deadline perhaps for him to keep working that he's under but I'm not aware of a deadline that he would have that his application is gonna expire in this time period. So there's -- it's kind of really up to him if he wants to continue to work on one or the other. There's not a deadline we're imposing upon him as far as him choosing which one he wants to do or his applications aren't expiring in the next two weeks.



>> Mayor Adler: I don't think it's a question of the applications expiring. My sense was the response time with respect to comments would artificially be lowered by two weeks if -- if he could work right now then he would have the file period of time or he could wait two or three weeks to see what happens but then he's prejudiced because he won't have the same amount of time to be able to respond to --

>> I'm not aware of something within our code that would I guess toll the time, kind of put a hold on time for two weeks to add two more weeks to the life of his application. Our codes allow you to file applications concurrently and process them concurrently and specify an order of approval, but just because one application is pending it doesn't necessarily add time to the other application.

>> Mayor Adler: And I know it wouldn't ordinarily do that.

>> I'm not aware of something in the code that landlords use to create that delay. We can turn to law department as well but I'm not aware of anything.

>> Mayor Adler: We can't create a situation where he's held harmless empties kitchen.

>> Kitchen: Just a question and I haven't looked at the calendar to answer that question, but was there a reason that we didn't say the ninth?

>> The neighborhood had asked for the 16th. The applicant would agree to the second. There is a meeting on the ninth. But no one has mentioned the ninth.

[2:41:44 PM]

>> Kitchen: So then --

>> I'll compromise with the ninth.

>> Kitchen: Pardon?

>> If that suits everyone I would offer the compromise.

>> Kitchen: I would want to ask the neighbors about that but that seems like it might be a middle ground. I understand that there was at least going to be some efforts to see if the neighbors could sit down and visit with you and perhaps, you know, reach some kind of -- have some kind of discussion, but regardless that would give time for that and so my question for the neighbors would be the ninth?

>> When I met with them, they were willing to wait two weeks.

>> Kitchen: So the ninth would be okay?

>> Yes.

>> Kitchen: Okay. I think we're hearing that the ninth would be acceptable?

>> Mayor Adler: Is the ninth okay?

>> If I could ask if the delay is because the opposition is unable to get meeting, if you could help in that regard. Apparently the excuse was not meeting with me but meeting with the staff.

>> Did I hear the mayor ask me if the ninth is okay?

>> Mayor Adler: Yes. It seems --

>> Yes, the ninth is suitable for us.

>> Mayor Adler: Okay. Thank you. Is there a motion to postpone this to the ninth? Mr. Renteria makes it, Garza he seconds. Any further discussion in those in favor, please raise your hand. Those opposed. It's unanimous on the dais with the mayor pro tem off. Oops, she voted yes. I didn't see her. That gets us back then I think to the agenda. We were able to deal with a lot of things. Item number 19. I think we discussed this item. It was now back up to the dais. Mayor pro tem, I think you were bringing some amendments to this.

>> Tovo: Sure. And I distributed a sheet prior to the break. And maybe our city clerk could post one.

[2:43:51 PM]

Up on there. Let me just say by way of background, and I think we talked about this on Tuesday, this is an issue I've struggled over for the last couple weeks since it became clear it was coming forward to council. As a councilmember who represents a district that is -- that includes largely -- you know, a lot of downtown, it is interesting sometimes because I have constituents who live downtown and then I have - I also, you know, hear from and want to work closely with stakeholders who are downtown who might not be district 9 constituents. But in this case we have venues who are located some of them in district 9 and we're also hearing from residents and areas, you heard from some of them here today, that are not immediately in downtown but are impacted by what goes on downtown. And so, you know, my attempt here today is to provide some amendments that I think recognizes the concerns that our neighbors in areas north of downtown have experienced over the last several years and also put some safeguards in place so that if there are impacts from this program that need to be addressed immediately, that they can be. And I understand from the staff's presentations today and Tuesday that that was really the intent, that they want to be responsive, able to respond to what's going on. And of course, you know, I want to say to the venues, I certainly share an interest in making sure that you are successful too, and in fact during this year's budget, when we had our discussion about the accv funding and hotel/motel taxi - it was my amendment that provided direction to our staff to work specifically to our economic development staff to work specifically on determining what uses we could put that hotel/motel tax to to support some of the changes that I think would really be of benefit along the red river -- in the red river cultural district. My staff went out with there with economic development staff and some of you to look at the alleys and some of the other areas.

[2:45:52 PM]

I think there are some very good ideas about how to use the hotel/motel tax funding and it would be an eligible use to improve some of the physical environments along that area and to provide some programming that would allow a broader mix of uses, and I think that would be of real benefit to the venue. So we've been working closely and getting feedback from the parks department. We had a similar directive to the parks department to look at ways that they could use what projects they have within their long-term goals and short-term goals that would -- and would be eligible uses for the hotel dollars and they are giving us, you know, feedback about what some of those are. I think they're almost ready to bring forward some specific ideas and I would just ask economic development to continue to work on this issue too and in the next week or so I'm going to hopefully have an opportunity to talk with them about whether there's a need for an additional resolution to make sure we're really targeting this area and looking at what available funds we have and what would be of benefit. So I just want to make that clear. So with that I will just say -- and also I had asked the question, I see our police chief here and maybe they're ready to provide some feedback about the policing and the additional -- any additional costs that they might be experiencing, and then I'm prepared to make my minutes. Welcome, chief.

>> All right. Good afternoon, mayor, council, Brian manly, chief of police. We've absolutely had discussions with the economic development music division and with regards to the item as it's posed right now we did make a few recommendations for some changes I think during this initial trial period. I believe the request was to allow this to be to 1:30 in the morning on those specific nights as dictated and I made a request and I believe they're open to this as well to move that to 1:00 A.M. That will allow our officers enough time to handle any crowd clearing that may need to take place during those times when the bars are letting out and return back to sixth street by 2:00 A.M., which is where we need them when the majority of those clubs close.

[2:48:05 PM]

And so the overall impact that this will have on us and our services, it will have an impact but until we get a real feel for this after we've done it for a few months and we look at what size crowds we're dealing with, whether these are crowds taking us a significant amount of time to actually clear, that's when we're gonna have a better idea of the overall impact, along with not knowing right now the number of calls we may receive for loud noise disturbances from these residences and the hotels that are in this area. So I do expect that it will have an impact. I do believe that we can successfully police this area and keep it secured during this trial period with the few modifications that we've made. So that's my initial comments.

>> Tovo: I really appreciate you taking a look at it and providing us with your feedback. I only heard one modification though. Did I miss one? Was it just moving it from 1:30 to 1:00?

>> We wanted to move it from 1:30 to 1:00 and also if there's a way we can do a six-month trial period, at least at that point we'll have a pretty good idea of what the overall impact is and then we can come back to you and consider making this a longer-term agreement.

>> Tovo: Thank you.

>> Mayor Adler: Thank you, chief.

>> You're welcome.

>> Mayor Adler: So your amendments to this, mayor pro tem, had us coming back to the council for action in six months. Did it not?

>> Tovo: That was the intent of the first and sort of the third amendment.

>> Mayor Adler: Right.

>> Tovo: It works a little bit differently from councilmember alter's. Councilmember alter has expressed it as a six-month pilot. Mine actually talked about it as a 12-month pilot but at the six month -- but, I mean, in practical terms I think it amounts to the same thing at six months we would have a check-in period and then it would be required to have an affirmative vote to have it continued so I'm open to either option. I would leave it open to the council what they would prefer but one way or the other at six months we would be reviewing the data.

[2:50:11 PM]

We would be hearing from the venues, from the other stakeholders, from our public safety, from our police, and our other public safety officials about what impact if any it's had, positive and negative, and then make a decision at that point whether to continue it.

>> Mayor Adler: Okay. So I'm a little bit confused. I want to make sure I'm looking at the right thing. I have staff-initiated changes date 1/26/2017. Was there another? Then I have your motion sheet. So it's the motion -- so your motion sheet made it to the staff-initiated changes to item 19?

>> Tovo: I just received the staff-initiated changes so my motion sheet preceded the staff's. Thank you.

>> Mayor Adler: Got you.

>> Tovo: And I haven't lined them up to see what the changes are and whether mine are still necessary.

>> Some of them are -- some of my amendments are included in the staff changes and some of councilmember tovo's motions are also included in the staff. So it just might take a minute to figure out what's not.

>> Mayor Adler: Can you help us understand what we should best be looking at here.

>> Yes, Patricia link, assistant city attorney. The only ones that weren't incorporated was the six month pilot program and the direction to come back to council in six months. We've incorporated -- we've identified several stakeholders, one is mentioned by various councilmembers. We've also included the factors that were discussed by staff earlier. And then we modified the pilot program venue definition so that it's clear it has to be something that's permitted as of today to be an outdoor music venue so we don't expand past the five.

>> Mayor Adler: Got you. With respect to the mayor pro tem's motion sheet, do you have that?  
>> Yes.

[2:52:12 PM]

>> Mayor Adler: Your staff-initiated changes do not include amendment part two?  
>> Correct. It would be part two and then her amendment to part five. And I can provide some -- a recommendation for -- to incorporate both of those changes if the council wishes.  
>> Mayor Adler: What would be your recommendation?  
>> I would recommend that the council start the program on may 1 of 2017, end it on November 1, 2017. Our effective date in the ordinance will be consistent with Normal ordinances. And then also include direction to the manager to place an item on your October 19 agenda to consider extending the program another six months.  
>> Mayor Adler: Okay.  
>> Alter: Could you clarify the last part on my amendment sheet about including information on the direct benefit to musicians was incorporated in your new language? I didn't see that but it's possible that I missed it.  
>> So if you look at page 3, that is one that did not get included. I apologize. So if it's the council's will to include it, I think the option would be wages or changes in compensation or amounts paid during that time frame. Because we're not sure how to quantify the direct benefit.  
>> Alter: I'm comfortable as long as it says some kind of measure of the direct benefit to musicians. I understand that that one may be particularly difficult to figure out exactly how best to quantify, and I'm comfortable leaving that to the staff to operationalize. I just want to make sure that we're including some measure of the direct benefit to musicians since that is ostensibly one of the reasons that we are doing this, it would be good to have those measures at the end of the pilot.

[2:54:13 PM]

>> Mayor Adler: Maybe there's a way to do that that you'll think of later that's beyond wages? So if we keep it broad like this, then staff has the discretion to figure out what is the best way to mesh direct -- measure direct benefit, could be wages. May be something else. I just don't know.  
>> We could do benefits to musicians.  
>> Casar: Maybe, on this point, as a friendly suggestion could we limit it not just to musicians but musicians and staff so far back, others could be analyzed.  
>> Sure.  
>> Mayor Adler: Thank you.  
>> Just to clarify we are still keeping the language in here about additional items that we may identify as we go through this process. So if we do find a better way to measure some of the impacts we plan to include them as well.  
>> Mayor Adler: And it may be people in addition to musicians and venue staff, there may be auxiliary industry people that would be impacted by this as well, and I don't want to exclude --  
>> Contractors.  
>> Mayor Adler: -- Your view by what -- with the discussion. Let's do this by way of processing our way through these amendments. Let's take first, if we can -- I'm sorry, what? We do. So will someone move as a point to beginning the staff-initiated changes to item number 19, which I think incorporate the base motion plus the changes that were proposed by staff? Mr. Renteria makes that motion, Mr. Casar seconds. Now we have a motion in front of us. I think to this, then -- mayor pro tem, do you want to take your amendments one and three and add them to it?

>> Tovo: I think actually our city attorney did a better job of consolidating both points one and three into her language, which I couldn't recount for you, but as long as you've got it, it sounded acceptable to me.

>> So the program would be just to shorthand it so the record is clear, six month programming beginning may 1 with return to council in six months.

[2:56:18 PM]

So that the council can consider extending.

>> Mayor Adler: Okay, sounds good. Is there an objection to that amendment being added? Ms. Troxclair.

>> Troxclair: I just have a question. I -- were the venue owners that are here that spoke about this item included in the conversations that happened over lunch that came with these changes? And is everybody comfortable with that?

>> We talked to them about it.

>> Troxclair: Okay, great. Thanks.

>> Mayor Adler: Did you say yes to that?

>> Yes, yes.

>> Mayor Adler: Okay. So no objections to that amendment. That amendment is incorporated. The chief had also wanted us to take 1:30 and move it to 1:00. On part 4b-2. Is there an objection to that change being made? Hearing none, that change is also --

>> Troxclair: I'm sorry. Was that also included in your discussion or is this a new --

>> The 1:00? We talked to them about it as well.

>> Troxclair: Okay.

>> Mayor Adler: Okay.

>> Troxclair: Thanks.

>> Alter: I just had a point of clarification. If we're doing this from may to November, do we need the 10:00 A.M. To 2:00 A.M. During the spring festival phrase in there, number 3? Part 4b-3b?

>> It's not necessary. We can take it out if need be since we won't be operating the program.

>> Mayor Adler: So in November we're talking about extending it for another six months?

>> If you do go past that, yes.

>> Mayor Adler: So I would just keep it in in case we do the extension, in case we forget to do that for whatever reason.

>> Troxclair: Okay.

>> Alter: But is that 2:00 A.M. Still acceptable for the police chief at that point or would you --

>> During spring festival season they are allowed to go to 2:00 A.M. Currently.

>> Alter: Okay.

>> Mayor Adler: Okay.

>> Alter: Thank you.

>> Mayor Adler: All right. Did that pick up then -- were there changes that resulted that you wanted to make beyond the ones we have just made.

[2:58:18 PM]

>> Alter: We wanted to add something to the effect of a measure of direct benefit to the musicians and auxiliary personnel somewhere in part -- I guess it's part B. In the appropriate phrasing there.

>> So it would be along the lines of benefits to musicians, venue employees, and auxiliary employees.

>> Alter: I did have one other question that I want --

>> Mayor Adler: Auxiliary personnel because some might be self-employed.

>> Alter: I wanted to clarify during our discussion earlier it was made clear that if at any point the city manager deemed it necessary that this extension of hours would be stopped any time during that period?

>> Yes. The way the program is structured, which is consistent with the existing program, if the music office feels that they need to change the sound impact plan they can knock them down back to their -- I shouldn't say knock down but reduce them back down to their regular hours. And if all five end up going back to their standard hours, then the program is effectively over.

>> Alter: And is it possible to gauge the neighbors, I don't know if you spoke with them during the break as well if they are comfortable --

>> We didn't get a chance to talk to them.

>> Alter: Is it possible to ask some of the neighbors how they feel about this or I don't know what the appropriate time would be. Boulevard if you want to do it from the kayaks you are allowed to ask someone a question.

>> Alter: I would like to hear from the neighbors upstream for a while. If this seems like an appropriate balance to move forward.

[3:00:27 PM]

>> You can ask me again.

>> Alter: It seems to me we've made some adjustments that provide certain protections and options and shortened the time period and allow us to experiment, but your neighborhood is one that is affected by the sound as it currently is and I'm wondering if there are things we are missing or that just your general feeling on where we are right now with our amendments.

>> So if I could get sort of a time line of when a dedicated line would be available and what that number would be and how available it would be and whether 311 would be giving it out when people would call in, because people need to have that information before this starts. And, you know, I guess I have to live with it. I'm not in favor of extended hours, period.

>> Mayor Adler: Thank you. Staff, can you get the dedicated line in place prior to the start on may 1st?

>> We can do that, yes, we can do that.

>> Mayor Adler: And can you publicize or let folks know?

>> Uh-huh. We can do that as well.

>> Mayor Adler: Prior to the start of the program. Is there any objection to making the change councilmember alter had? We were adding taking a look at the benefits to musicians and venue employees and other associated personnel. Hearing none, that change is also added. Ms. Troxclair, then Mr. Zan began, then Ms. Pool.

>> Troxclair: Just a moment. It seems only fair that we hear just really quickly from the third group of stakeholders here, the businesses across the street.

>> Thank you, Ms. Troxclair. Appreciate it, again, Ross Hamilton.

[3:02:29 PM]

I just want to express obviously our frustration. We have not been consulted by staff on any of these revisions. It seems like the consultation and revisions have been fairly one sided. As we expressed earlier, we have not been consulted at all by city staff prior to today about this program at all. We've had no input whatsoever. We do not feel that's fair considering the economic impact that our hotels have on this neighborhood. Quite frankly, we feel ignored in this process. And it seems even with what's occurred during this break with other people being allowed to have their input on the changes and this

moving forward, that we are being left out of the process and I want to restate our position. We are firmly against any extension of the hours. There's no doubt that even this pilot program will have an immediate impact on our business. A significant one. As we explained earlier. That will affect the hotel and motel sales tax that is going to help, you know, ultimately with this situation and so it's completely contradictory to what you are trying to do with that because it affects our business. And the financial impact on our hotels I can guarantee you will far exceed the impact it will have [inaudible]. Again, I just want to express our frustrations with being left out of this process. Again, we have not been engaged at all from the city up till today, which I do not feel is right. It appears that the neighborhoods have been engaged. It appears that the bars and venues have been engaged. We have not been engaged in any of those conversations. Specifically we hosted at event at our hotel indigo that the city attended, intended to spark conversation between us and the hotels, this was not discussed at that event at our own hotel.

>> Troxclair: I guess my question was more to the amendments that we just discussed, moving from 1:30 to 1:00 A.M. As well as shortening the pilot program from 12 months to six months.

[3:04:40 PM]

I understand that you are expressing your opposition as a whole and your frustration in general, but I'm assuming you were in favor of the amendments.

>> I am in favor of the amendments. Obviously that helps. We are still opposed to the ordinance in general. Anything after midnight will affect our guest experience and have a severe financial impact on our hotels so we are going to be adamantly opposed to it.

>> Troxclair: Thank you.

>> Thank you.

>> Mayor Adler: Thank you.

>> I spoke earlier. Do you think I could speak to my neighborhood?

>> Mayor Adler: At this point in the process, this point in the process a councilmember on the dais would have to call you up. Mayor pro tem.

>> Tovo: I appreciate the comments from the hotel -- gentleman representing the hotel and I would ask that we also -- also I would ask you to collect data during this period as well and make sure you are in touch with our economic development department about if there is a measurable impact what that is so we can assess that too at the six-month mark. I think we have included you in among the stakeholders so that should happen naturally, but it will require some record keeping on your part.

>> Mayor Adler: I think the hope is with this at the end of the process we'll determine what can or can't happen down there. So it's important that you be in. And I think on an ongoing basis, long-term basis, it's going to affect everyone including the immediate hotels to put this matter to a true test and then resolve it. Yes, Mr. Flannigan.

>> Flannigan: I have a couple of questions, not sure when staff member, but when we talk about adding a dedicated line, are we talking about additional costs, additional staff, is that pulling staff away from other duties? Is there something to this dedicated line that's duplicative with 311?

>> It is not our intent with the additional staff that we received for this budget, starting this budget year was that that person actually be issued a cell phone number and basically be that primary contact for us.

[3:06:48 PM]

So that's the resource that we would be using to respond to these items. We already have that budgeted. We already included that as part of the --

>> Flannigan: So the intent to the dedicated line would be a cell phone.

>> Yes.

>> Flannigan: I'm okay moving forward with this and I appreciate the work of the mayor pro tem and councilmembers alter and sarsar. I'm very -- Casar. I'm concerned about the changes in the ordinance that are setting us up for failure. Where we get six months in and we've got some data and the parties say, well, you didn't count south by. I still don't like it. When you get to south by it's going to be different. Or, well, sound travels differently in in the hot months than it travels in the cold months or any other host of issues that will come up not doing a full and complete pilot program. I don't intend to derail, but I want to make the point I don't think we're going to be any farther along in six months because we've set up the arguments to undo whatever data is presented. And I'm concerned about going down this road and spending staff time and dedicated lines and whatever money is spent to educate the community about this dedicated line that we already spent a lot of money educating them about 311 and there's already staff for 311, a system. With a dedicated line are you just going to end up with people getting a busy signal or it's just going to voice mail. I feel like we're setting ourselves up for a more contentious conversation in October and not addressing the underlying need in a way we could feel after six months we've done a pilot program. I don't think we're going to move the ball forward. I don't mean to derail the whole thing, but I think it's important to note that.

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks, mayor. When the staff put together the -- the staff initiated changes, Ms. Link, I think we missed a couple of phrases that were in the mayor pro tem's first number 1 amendment part 2, and that is the -- the underlying piece unless the council or city manager determines it necessary to terminate the program earlier, and I would suggest that that be inserted right in front of the second sentence of part 2 on the staff initiated changes.

[3:09:19 PM]

So the unless clause would be inserted in front of the pilot program will begin. And then the second piece that that was omitted unintentionally was back on the mayor pro tem's sheet, the city manager the authorized to terminate this pilot program without further council action, and I think that that flows just fine after the pilot program sentence. So at the end of the paragraph that's part 2 on the staff initiated changes. Mayor, if I could offer --

>> Mayor Adler: Did you follow those changes?

>> I'm sorry?

>> Mayor Adler: Did you follow those?

>> No, those changes are not in there.

>> Mayor Adler: No, did you follow it?

>> Yes.

>> Mayor Adler: Any objection to approving these amendments as well? Hearing none, they are added.

>> Pool: Then I just had one followup question for our staff. Given all of the changes and everything and 311 and the additional staffing and the cell phone and everything, can folks in the community still just call 311?

>> Absolutely.

>> Pool: In order to register. And I would urge people to take advantage of that because we do have to do the best we can to be comprehensive in capturing all the complaint data and that's the major route for that. That's great. Thank you so much.

>> Mayor Adler: Ms. Garza.

>> Garza: I don't know how many -- excuse me, more amendments we're going to have but I wanted to back.

[Off -- I wanted to piggyback off councilmember Flannigan. If we start something and it's framed as we're taking it away because we open this door now, if in six months we decide this isn't working,



because I mean I can already assume the calculate right now people are going to complain. It's 1:00 in the morning and people are going to complain.

[3:11:21 PM]

And so six months from now if the data shows that people are not happy with the additional sound, now we're taking something away. And that concerns me also because if we have -- the idea of creating jobs is something that always interests me, especially lower middle income jobs, but then we're in a position of taking those jobs away. If we stop it at six months, we create an extra job for six months and then we're taking those jobs away. Not knowing exactly how this is going to be measured. Is it a net, you know, it added so much for our music industry, but it took away in our sales tax because nobody wants to stay at these hotels anymore because it's loud for them. And I'm -- I'm frankly, you know, I'm sometimes less sympathetic to, no judgments, the days I used to go dancing at cedar street and new residences pop up around them and the newer residents are mad at cedar street. You knew cedar street was there, but this is kind of a different situation. We are changing the rule. There are buildings in place right now who have adjusted or have so-called coming to the nuisance and they've adjusted to that and now we're giving another hour. This does not affect my district in any way and in certain ways I want to defer to the councilmember that? The middle of this and I want to -- I'm listening to the conversation, but I'm just concerned at the end of the day it sounds like I 100% support our music industry, but seems at the end of the day the information that's going to come back is quality of life for some neighbors versus improving the music industry. And there's never going to be an agreement there. And, you know, as -- when there's one party in my neighborhood and hearing that base at a party, it's okay for me to deal with once a month with a young child, but I can't imagine that every single night, every single weekend or to 1:00 in the morning.

[3:13:35 PM]

I'm concerned about the path we're going down as well with allowing this pilot program.

[Applause]

>> Mayor Adler: And I would say in response to that is we've been dealing with this issue a lot in lots of different places, and I think we have a pilot here where we can probably -- we have the best chance I've seen for us to figure out if what you feel is inevitable has to be inevitable. Maybe the base constraints change at different times. Maybe the rules change at different times. Maybe there are different technologies to be brought in, but I just don't know. But I do know this has been a recurrent issue for a long time and we have some folks and obviously the venues are going to be real motivated in trying to prove you wrong because they know where they are going to end up, what kind of conversation it's going to be when we come back. So I hope you're wrong and I want to give these folks a chance to do this pilot and see. Further discussion? Mr. Casar.

>> Casar: And what I would take away from councilmember Flannigan's points which were some of my sentiments, since it won't have been a full year by the time we vote on this again, I think it's important for us to take that in context. I think six months seeing and hearing progress and especially hearing from the police chief is important, but I think understanding that it hasn't been a full year will -- is just an important reminder for all of us in six months it will be helpful to know which general direction things are trending but knowing it hasn't been a full year pilot like initially recommended to us. I feel comfortable taking a vote at six months, but knowing it hasn't been the full year yet. To councilmember Garza's point, I understand we are in some ways shifting the rules for folks in some of the hotels on red river, but at the same time, notwithstanding people that may have been there before, but many of

those hotels are new and invested in red river and red river exists because of those bee loved music venues being sort of the heart of where local live music is occurring right now.

[3:15:50 PM]

And so my priority goes to that and also recognizing that neighbors and residents up the streets and up the creek, you know, need to be able to maintain a decent quality of life. So it's for those reasons -- it for those reasons why I think those are the two goals that I've been trying to prioritize through this process because those venues are, you know, some of the best places for the music industry to thrive today, and when folks built residences or built hotels there knowing that is the red river cultural district, it's important to me that the thing that got that started, that music can keep on going. And so for figuring that part out while respecting the residents who also have been there long before those music venues were built is sort of the balance I'm going to try to strike.

>> Mayor Adler: Any further discussion? Ms. Houston and then Mr. Renteria.

>> Houston: Thank you, mayor. It was my understanding as I listened to everyone that the -- the hotels that were in the red river district did not mind the current 12:00 midnight, that their concern was if we increased that from 12:00 to 1:00, 2:00 -- 2:00, like it is on sixth street. And so I think that's a different comparison. I too love musicians and wish they had more opportunities and more venues, but is it at the risk of not only the hotels that have moved into the area, understanding that they built to the requirements that were there when they moved in, understanding that the people who live north of there and probably south sometimes, depending on the wind, are having some difficulty. But I think it's the base, as the mayor said, and if we could find some way to decrease the bass. But I've been to some places in New Orleans where the music goes on and on and you can't sleep.

[3:17:56 PM]

So the next time I don't stay on bourbon street, I stay some police else so I can get some -- someplace else so I can get rest. The impacts on people's sleep patterns, if they are here for business or recreation, I don't think we can cast that off very lightly. And didn't we start short-term rentals as a pilot too? And look where that got us.

>> Mayor Adler: Any further discussion? Mr. Renteria.

>> Renteria: Yes, mayor, I really want to see this happen because I'm dealing with it in my neighborhood. I could hear Rainey street and I live on comal over eight blocks away and I can hear it on the weekend. And [inaudible] Is another one that has music and there's people complaining and there's some that are supporting it. So I think that, you know, we need to find out really if we can really find -- get to a solution where we can have outdoor music but manage in a way where it was not bothering people past their boundary line.

>> Mayor Adler: Further discussion? Ms. Alter.

>> Alter: I question for staff. I'm wondering are there other steps we can be taking to mitigate the noise either from the hotel neighbors or from upstream or up the creek, however you think about that, those couple miles that we haven't discussed yet that you've talked about that maybe we should be factoring as must dos as part of the pilot?

>> We're not factoring them as must dos, but we have internally our sound engineer and he just had to leave right now, but we have talked about some specific recommendations that we might be able to make to some of these venues. But I think it's really important for us to have more accurate data to see where exactly the sound is traveling to, how far it's going out and then balancing that with a level of investment that would be necessary for them to implement these mitigation standards or Mitt

immigration recommendations -- mitigation recommendations based on whether the increment revenue that they would collect would make enough of a difference to offset it.

[3:20:15 PM]

I think that's the big challenge right now, that we don't really know how much mitigation needs to take place at what levels, how much would it cost and how much benefit would be reaped from it.

>> Alter: Is that information you are going to be gathering as part of this that would also be useful for mitigating issues before the 12:00 hour?

>> Yes. We could implement those earlier if we see it's happening enduring -- we talked about being able to just drop down to their current hours. But if we're still seeing an issue during their current hours, they are still meeting the code, but there's still issues in these neighborhoods, that's the research we still want to do.

>> Alter: So the data collection would be going before those hours as well so allowing you to track that. Thank you. I just wanted to clarify that when this comes back, if we do pass it, that I will be looking for information that this is of direct benefit to the musicians and the venue workers. So I do hope we will have those wages. I appreciate the comments about the str's and the tnc's and I know we do not want to repeat those things. I think that's important perspective and that's part of the reason to set it up where it ends and we don't have to be taking it away. That's set out right from today that it ends unless we decide to extend it. And then finally I think it's good that we're not starting until May because we'll be able to have our agent of change discussion happening. And so I think that the timing is important. There so thank you.

>> Mayor Adler: Further discussion? Let's take a vote. Those in favor of this item as amended -- did you want to talk or -- mayor pro tem.

>> Tovo: Very briefly and I know -- I'll make it quick. I want to say councilmember Garza I appreciate your comments and I want to let the neighbors know that when -- as this pilot continues, it is going to be my -- you know, uppermost concern for me how it is impacting the neighbors to the north.

[3:22:27 PM]

And my support today of this -- of this ordinance is really because it seemed to have a great deal of support and appeared to be moving forward and it was important to me to make sure that we had amendments in place that I thought made -- protected, protected the quality of life of the neighbors to the north. So I am going to support the amendment today, but I'm very glad that we added the language making it really clear that the city staff and city council have every right to end it before the six-month period and there is no ongoing entitlement to these extended hours.

>> Mayor Adler: Those in favor please raise your hand. Those opposed? Houston. Those abstaining, Garza. The other nine voting aye. This matter passes. Thank you. All right. Next item is items 22 and 23. I have five speakers speaking in favor of this item. Is there anyone speaking against this item? Since there are five speakers for it and none against, I hope we can move through this quickly. Ms. Pool.

>> Pool: It may be that -- and we can read the names, but I think the five who signed up were the students and they have provided me with a couple things that they would like me to read. They needed to get back to the classroom. They were here this morning for the press conference. They were pretty excited. Actually they were stoked.

>> Mayor Adler: They did really well.

>> Pool: So maybe call their names to just make sure that they are not --

>> Mayor Adler: Steven pod, Alex manchesky, Darian clairery, Robert Corbin.

[3:24:38 PM]

Those are the ones that had signed up. Mr. Corbin.

>> I believe I have six minutes.

>> Mayor Adler: Is Richard Manus here?

>> No, it's the woman right there.

>> Mayor Adler: I'm sorry?

>> [Inaudible]

>> Mayor Adler: Okay. Six minutes.

>> Regarding the Austin children's outdoor bill of rights, there's 12 rights in total, and, of course, I support them completely. In fact, I would support any

[inaudible] Relating with nature. There's two prominent rights, hike a trail, splash in a creek or river that to me have always been very important and I think for children they should also be very important in this city. The bill of rights came about from a grant and what it states was -- had the goal of discovering how the city's government can help connect more children to nature. To understand what major gaps and barriers exist in Austin that prevent children from spending more time outside. And the city plan went on to emphasize safe access for children. Having said that I fully support this plan or any plan, here's my input. The plan as conceived fails to mention the number one obstacle to children having safe access and that is dogs, off leash and on leash. Our parks and green spaces and preserving suffer an infestation, a plague of dogs. You recall mostly off leash. How can children feel safe when grownups feel and are unsafe? What is needed the for many of our natural areas to be completely free of dogs and that policy then needs to be enforced.

[3:26:43 PM]

Most people on trails with whom I have talked with have at least one bad dog story. To emphasize my point that for children's bill of rights to be successful, dogs must be banned from many of our natural areas, I'll relay a few of my own stories, one or two of which you have probably heard before. Yesterday I walked about a half mile up the trail from zilker park. Dogs are supposed to be on leash there. There was five large off-leash dogs at the water creek bank and I met three on the trail. There was three on leash and one was a pit bull straining at his leash and the owner's reassuring the dog that it's okay, okay, in a way that made me feel that I wasn't really an okay space. Also there was six to eight piles of fresh poop along the trail. Last Sunday I went to the Colorado river preserve, which is hard to get to now because of the construction there. There was only two dogs, but I met a man and he said normally there's 10 to 15 dogs running off leash in a preserve which dogs are not supposed to be in. And I've heard the same about other preserves in this city. Saturday I went up to Campbell's hole and there was about 20 dogs running off leash. And that was just one small 15-minute snapshot. Probably during the whole day you had at least 100. One week ago at the zilker trail head I met a young man who had a big stick. I asked him if it was dogs, he said no, but we talked and I said do you ever have any dog incidents on the trail? He said as a matter of fact yesterday I got bit. I said did you report it, he said no, it was minor. Two weeks ago I met a 60-year-old man, got talking with him, asked him if he saw any dogs off leach up the trail, he say most of them are off leash.

[3:28:48 PM]

I said you ever had any incidents and said yeah and rolls up his sleeve and it's bandaged up. A dog bit him off the trail. First I said I bet the guy didn't even say he was sorry. He said you are right. I said did you report it? He said no. I said aren't you worried about rabies -- well, anyway. Two months -- two

months ago at a park -- actually a state park, to be honest, near San Antonio there was a woman about 50 years old from San Antonio had a dog on a leash. I got talking with her and I said do you worry about off leash dogs? She said no, I got this spray with me. I always keep it with me. I said that's nothing. I met a guy in Austin that armed themselves, went out and bought a pistol in his own words not because he's afraid of a home invasion or of getting mugged but because he's afraid of off leash dogs. The woman said, well, we bought a pistol too because of dogs. She said off leash dogs killed my last dog and that's never going to happen again. Last summer -- last fall at Gus Fru, the week after police at my urging had written tickets, I spent two hours down there. There's a bunch of women and kids and people with dogs came down and I said huh-uh, you can't have dogs off leash here. I defended that area two hours successfully. I guess people with dogs went further up or downstream or left. I had three women come up to me and profusely saying thank you very much for what you are doing here. Because I've met women that are afraid to bring their children on to the greenbelt because of the dog situation. If, let's talk about one of the bill of rights that they've talked about is greening school yards. Well, zilker school is in my neighborhood. Every time I go by the school there's dogs running off leash in the school yard off leash.

[3:30:58 PM]

Anne Richard's school same thing. I see dogs being walked off leash in front of the school. So -- and then there's a woman at Mueller out here and they went for a park project, she said --  
[buzzer sounding]

-- We bought several -- I think that covers my time and anyway, I think you all get the point of what I'm trying to say. Please, let's have some natural green areas that children can go to where there's no dogs. Thank you.

>> Mayor Adler: Councilmember pool, do you want to make a motion?

>> Pool: I would love to, and I think Mr. Depalma is here.

>> I can be very quick.

>> Pool: The vice chair of our parks and rec board.

>> Mayor Adler: Mr. Depalma.

>> Thank you very much. It's a pleasure to be here, councilmembers. So my name is rich Depalma. I'm the mayor's appointment to the parks board but I'm not here in that capacity with the exception of letting everybody know that it passed the parks board unanimously on that resolution in support of this. So that aside, I have been part of the working group for children in nature that councilmember pool's office has put together and that mayor Adler's office has attended to and it has been phenomenal. This is a catalyst that we're going to be able to make changes within our schools and have that active play area, have the perma culture, the gardens, the trails, everything we're looking to do to create an active children for our kids. Not only just active environment, but there's some schools where we're dealing with, I also serve on the planning advisory committee for the school district and a major component is how does my school look. Does it look inviting? Does it look like somewhere that we want to go? And in some instances the answer is clearly no. So this is the catalyst that's going to bring us to the point where we can go in the neighborhoods, have a real neighborhood school, have it be inviting to the whole entire community and get all the open space benefits that we see across Austin.

[3:33:11 PM]

So I encourage you to go ahead and support the motion and I appreciate your time. You all have a fantastic day.

>> Mayor Adler: Councilmember pool, do you want to make a motion?

>> Pool: I would like to move approval of items 22 and 23. 22 is the children's outdoor bill of rights and item 23 is cities connecting children to nature, the implementation plan.

>> Mayor Adler: Is there a second?

>> Alter: I'll second.

>> Mayor Adler: Ms. Alter seconds. Discussion? Those in favor please raise your hand. Those opposed? It's unanimous on the dais. That gets us moved to item 37. This is the board and commissions item. Is there a motion to approve boards and commissions? Mr. Flannigan makes the motion. A second? Ms. Houston. Any discussion? Ms. Pool.

>> Pool: Mayor thanks. I just wanted to take a minute to add some context to the background and the career devitae for our new councilmember, my new councilmember, councilman Flannigan's appointment to the environmental commission. Rick Jacoby is who councilmember Flannigan has nominated for approval and I wanted to make a couple of comments about that and ask Mr. Flannigan to delay so that the community can --

[buzzer sounding]

-- Can maybe have some conversations, further conversations with him. I have been contacted by our stakeholders and friends in the environmental community and they are seriously concerned. Mr. Jacoby's career has been in nuclear radioactive waste and production.

[3:35:13 PM]

He earned his living in the public and private sectors. He is a consultant, convinces policy makers that nuclear power is safe. We know it isn't really and know the consequences of a leak of radioactive materials or nuclear melt down are enormous. Massive environment will and economic consequences. They are not easily mitigated, take decades to resolve, have massive financial consequences. I currently emphatically oppose Mr. Jacoby's appointment to the environmental commission. I believe Austin has many other citizens with positive environmental credentials and helpful experience to serve district 6, someone with a track record supporting our natural environment, someone who hasn't worked for an industry with enormous long-term polluting impacts. Our friends in the environmental community would be most eager to meet with councilmember Flannigan to offer altern advertise. I think there is a wealth of talent to fill this appointment. I would suggest we pull this one nomination for additional work. I understand Mr. Flannigan may not want to do that, but I would ask, please, that we fall back on this one -- on this one nomination because I want to find out myself from Mr. Jacoby if this does move forward will he support and work to advance the city of Austin's community climate plan. That is a plan that this community has gathered together and passed and supported. It is long-range changes to our alternative fuels. Approved, which I oppose it at this time, will he work to counter or oppose them. Thank you.

>> Flannigan: Thank you, councilmember, and I want you to know this is not an argument and that my process here is not to argue. I really want it to be a conversation.

[3:37:14 PM]

I know that may be something new, but truly -- I have taken great pains to meet with every person that I have put on the list for commissions today, and I have insured that they respect the same values and commitments that I made to the community over four long years of campaigning. These are the values of my district and as far as Mr. Jacoby specifically, I found that his perspective and experience in some very dangerous areas was an asset to the environmental commission. I feel that we are entering a very murky and uncomfortable political environment for our natural environment. And my hope is that you all will trust the work that I've done to get to know the very talented and thoughtful and amazing people

of my district, including Mr. Jacoby. Because I feel that -- I know that he is a very smart and thoughtful and will be a steward for the environment for my district. That being said, I'm not interested in postponement. I'm not a big fan of postponements. You will hear me say that many times over the next four years. So if -- and I respect that appointments are made by the council and not by the councilmember. So if the balance of the dais does not wish this appointment to move forward, I will respect that and find someone else. But I have taken great pains over many years and hours of meeting time and so I am just asking for your consideration, knowing that I also have no problem removing commissioners or asking for their removal at a later date and Mr. Jacoby has assured me he would respect those wishes if his do not align with the positions and promises I've made with the community.

[3:39:20 PM]

>> Mayor Adler: We have item number 37. It's been moved and seconded. We have two people -- we have two people signed up to speak. The first one is Lauren Ross. Roy Whaley is on deck.

>> Good afternoon, mayor and councilmembers. My name is Lauren Ross. I'm a resident of Austin since 1974 and I'm an environmental engineer. I was part of the community that worked for ten years against the proposed low-level radioactive waste site in Sierra Blanca Texas that this proposed appointee to the environmental board supported. It was in west Texas. It was a poor community. And it was a racially diverse community. I also understand that this nominee to the city of Austin's environmental board is contemplating or prepared to purchase the low-level radioactive waste site that exists right now in Andrews Texas. It sits on the recharge zone of one of the most important aquifers in the country. An aquifer that provides food for Texans and people all across this country. This appointment does not reflect the city of Austin's environmental values. This appointment does not reflect our values of justice. And it does not reflect our values of racial equity. And I ask you very sincerely that you not appoint Mr. Jacoby to the city of Austin's environmental board. Thank you.

[3:41:24 PM]

>> Good afternoon. I'm Roy Whaley, conservation chair for the Austin regional group and the Sierra club. Councilmember Flannigan, I mean no disrespect today. I believe you know that I like you. I believe you know that I campaigned for you. And I was happy to see you get elected. I am sad that we are getting started this way. Because I think we need more conversation. I think we need more discussion. And I absolutely agree with Dr. Ross that this is the wrong person for Austin. I do believe in the ability for people to change. I do believe that people can learn and move forward and change their perspective. What I also believe is that we need to have that opportunity to ascertain whether that has happened or not. And I would ask all of y'all to reject this. Since you are not wanting to postpone, then unfortunately I'm going to ask all of y'all to reject this and come back. That is not an easy thing for me to ask you to do. But I think that this is an inappropriate appointee. And Hudspeth county, as Dr. Ross stated, he wasn't aware -- I'm not saying that he did it intentionally or had an evil heart when he didn't consider the impact of nuclear waste on the water table and therefore the communities in Hudspeth county, which were primarily minority and Latino. What I am saying is we don't need that error in judgment here in Austin on our aquifer and our environmental issues whether they are aquifer related or not. I ask you again to not set a precedent of withdrawing a nominee because you feel pressured, but to withdraw it because you realize that more needed to be discussed.

[3:43:36 PM]

If you cannot do that, then, again, I ask all of y'all to reject this today. And for us to come back and start afresh. And so please reject this person who I have no animosity against personally. I believe that it was just the wrong choice for Austin. For all of Austin. So please say no to Rick Jacoby. Thank you very much.

>> Mayor Adler: Thank you.

[Applause] That puts us back up to the dais.

>> Pool: I would like to make a substitute motion on approval of item 37 to approve all of the nominees on there with the exception of Rick Jacoby, Mr. Jacoby, who is listed as the nominee for the environmental commission.

>> Mayor Adler: Ms. Pool moves to amend the motion 37 so as to strike Mr. Jacoby's name. Is there a second to that amendment?

>> Alter: I'll second.

>> Mayor Adler: Ms. Alter seconds that. Mayor pro tem.

>> Tovo: Can I just ask the maker of the amendment whether that would -- is there a way to postpone it so that we all have an opportunity to -- I did actually have an opportunity to look at some of the materials, but I would appreciate an opportunity to kind of think about it a little more and look at some of the materials. I respect my new colleague, councilmember Flannigan's words on the subject, but I also have a lot of respect for the speakers and others who have contacted me. And I would prefer having a week to sort it out rather than voting up or down today.

>> Mayor Adler: It would be in order to move to postpone consideration.

>> Pool: And I think that is in effect what it does. My motion is approve everyone except for him and that gives councilmember Flannigan and the rest of the dais the opportunity to speak more widely with the environmental community.

[3:45:39 PM]

They barely had time to get down here today. They only just realized this was being offered up in nomination so I think there was a much broader and deeper coalition of people who would be willing to have conversation with all of us between now and -- so I'm happy with the postponement. My simple goal today is not to approve that one nomination.

>> Mayor Adler: Do you have an objection to treating it as a postponement?

>> I do not.

>> Mayor Adler: Is there an objection to changing the motion to that, Ms. Alter?

>> Alter: I'm fine with changing the motion. I want to clarify I understood when I seconded, I was understanding that we would be voting for all the other ones and not against that one, but just for all of them except that one, which would then have allowed councilmember Flannigan to put forward that one as a vote or to postpone it. So I apologize if I misunderstood the motion but that's how I international what councilmember pool had -- I'm fine with the second thing. I just wanted to clarify how I had interpreted that.

>> Mayor Adler: They are close and everybody understands the intent. The intent at this point with that amendment is to approve all the ones on the list, to not approve one name, but in not approving that name so that it's clear as to it's not a rejection of that name, it is a postponement of consideration of that name. Without objection, I'm going -- alter has moved and seconded as the amendment. Ms. Kitchen.

>> Kitchen: I'm -- I'm torn on this one simply because I don't have information. So I think the postponement is appropriate. I respect what I'm hearing from people I've worked with for many years on the background of this individual and so on the face of it I would not support appointing him.

[3:47:48 PM]



However, he is not here so we don't have the opportunity to discuss with him, particularly in the context of the fact that I respect my colleague councilmember Flannigan who has talked with him. So I think postponing is the appropriate action and I wouldn't be comfortable taking action today appointing him, but I also wouldn't be comfortable taking action that indicates that I was making a decision one way or the other. So I think postponement is appropriate.

>> Mayor Adler: Further discussion on this? Yes. Mr. Flannigan.

>> Flannigan: I want to start by thanking Dr. Whaley and -- Mr. Whaley and Dr. Ross for coming out. I really enjoy this process and think it's important that we maintain a very open dialogue and limit our emotions on the dais and I'm doing my best to model a way of doing that for everyone too. I, again, prefer for my colleagues to just vote him up or down. I don't think any of us want to be distracted by having meetings with my appointee or the environmental community when there's many other things we should be working on over the next week or two and I doubt that anyone's minds will be changed in the interim. So I don't -- I don't prefer that we do that. If we do vote to postpone, I will consider that a vote down and will withdraw his name. Regardless of what we do today we're going to vote him up or down. Is that clear, Mr. Mayor?

>> [Inaudible]

>> Troxclair: I just wanted to say thank you to councilmember Flannigan for explaining his reasoning for choosing this person. I want to reiterate that it's -- that diversity of thought is okay. And I know that we like to say that Austin has these values or Austin thinks that or Austin thinks this, but actually diversity of background, diversity of opinion, diversity of history, of thought I think leads us generally to better conclusions.

[3:50:00 PM]

So -- and I guess just generally from our -- on the issue of appointments for boards and commissions, I mean these are people who are putting themselves out there to serve our community and I just think it's really unfair to get into the level of personal judgment that we've gotten into even today. Again, without him here, I don't think -- councilmember pool, have you had an opportunity to meet Mr. Jacoby? Councilmember pool, have you met with Mr. Jacoby?

>> Pool: Since the name was just offered today, no, but I did take the time to look at his website, which everybody can look at. It's Jacoby consulting and you can see his very extensive vitae. He's a nuclear physicist.

>> Troxclair: I was just wondering if you had a chance to meet with him. Councilmember Flannigan said he had. These people are putting themselves out there, putting their names forward, clearly had a good conversation with Mr. Flannigan, probably represents the values that may be important to some people in district 6. And I just think it's unfair that we have even gotten this far in the conversation that we have today of talking about him in such a personal way without really knowing him. I agree we shouldn't draw it out because I think the only thing that can happen between now and another meeting is yet more discussion or assumptions about his -- his personal business. Anyway, I just wanted to say I trust your judgment and, you know, I've supported plenty of other people to our boards and commissions who don't -- certainly don't align with my personal values because I trust the judgment of our other councilmembers and their ability to appoint who they think will be the best fit for their community.

[3:52:04 PM]

>> Mayor Adler: So I'm going to speak here and then we'll let others speak too. This is a hard one because to me this is a real precedent setting in terms of policy and how we handle things. The last

council dealt with this question early on in our term and basically collectively decided that we would give wide berth to the judgment of councilmembers to appoint the people they want to appoint. And we had conversations on the dais about in what instances would we fail to appoint someone that was nominated by one of our colleagues. And as I recall, it came up in the context of a police commission appointment. And for me at that time the policy for me was that I would give wide difference to the person who was appointing my colleague so that the commissions and boards had the opportunity to reflect the political biases and viewpoints that were on the council. In part because these are advisory boards and these advisory boards are going to be able to give us the best advice to the degree that they have both the majority and the minority views that we have represented on council. But I also know that wasn't absolute. So where we had evidence that somebody was going to be perhaps disruptive on a board and commission, make it untenable for other people to serve, where they were calling into question our staff in ways that we felt were inappropriate, then -- then in those kinds of things, which went last to the substance of what the person -- less to the substance and more to decorum or ability that we would -- we would act and we have.

[3:54:13 PM]

That said, we have a request from a couple members of our dais for more time to be able to consider these -- this appointee. And it's an appointee whose name may not have been familiar with people and I can't say to one of my colleagues on the dais, because they do have a role, while I think it is a limited role, a role, and if they are asking for more time to be able to -- to perform their duties as a councilmember, then I'm inclined to give it to them because we've also demonstrated that precedent in our first two years when requested by colleagues. So unless there is a prejudice associated with giving colleagues the additional time, I'm uncomfortable telling them that they -- they can't have that conversation even if it was to get more information on the basis of what I think is an appropriate way for a councilmember to weigh in. I heard you say that if we postponed it you weren't going to come back with that person's name and certainly that is your -- your right or perspective to either come back with that name or not come back with that name. I don't think if this gets postponed that it is correct for you to assume that it was a rejection of the person who was not nominated but I recognize you have the ability to do whatever you want to do. I would just repeat the policy and practice we adopted as a council in the first two years is something we should continue because I think it served us well as a council.

[3:56:13 PM]

And both principles, both with respect to giving wide deference to our colleagues and second giving our colleagues that request an to be able to deal with them. So I would support the motion to postpone without rendering anything with respect to the merit of the proposal. Mr. Renteria.

>> Renteria: I'm going to go ahead and support my colleague on taking a vote today. It's his nomination and if we don't give him the courtesy of what he's requested, then I kind of feel very disappointed on that. You know, I don't think anything good is going to come out of this delay. I think that the lobbyists that lobby on the environmental side is going to be intense and it's not going to get us nowhere. If we really don't want this person we should just vote him up or down.

>> Mayor Adler: Mr. Casar.

>> Casar: While I would emphatically oppose things like the Hudspeth county nuclear waste facilities and oppose his views on nuclear energy, I think it's hard for me to decide to oppose this appointment because there are probably lots of folks we've appointed that I would have emphatically opposed lots of things they have worked on or believe. And the standard for me really is whether or not someone is --

would be antithetical to the work of the commission or is unfit to serve otherwise. And there have been cases before the council, at least a couple that I can think of, where that was the case and I voted that way. And I haven't heard those -- the arguments about this person would be unfit or antithetical to the purposes of the environmental commission even if I would emphatically oppose some of the things people have brought up.

[3:58:28 PM]

At the same time like the marry think that colleagues wanting time to figure out if that is indeed the case for them is something else I want to respect so I guess I would make known now based on the facts I have, councilmember Flannigan, I wouldn't oppose your appointment based on the facts I have even though I disagree with them. But I also respect you trying to save us time and most likely what I would do if you brought him back next week was wait to see if there's any testimony that convinces me that he would actually be unfit to serve or antithetical to the work that the commission is doing. Based on what I have right now, even though everything that's been brought up are probably things I disagree with, I would still have a lot of trouble based on that information doing anything but supporting your choice.

>> Mayor Adler:

>> Mayor Adler: Ms. Houston.

>> Speaker1:thank you, mayor. This is very uncomfortable for me because you're talking about somebody that's not here, who can't defend themselves but I do know I trust councilmember Flannigan, I trust his judgment and if he says this is the right person for him to appointment I'm willing to support his appointment. If in fact it becomes different than he wants,'s watches how that commission works and how that he build consensus around issues, then he has the ability to remove him. I felt just as difficult when we did some things the last time when this kind of stuff comes up. That should not be our realm. If we trust him as an elected member of this council by the people in district 6, then I've got to trust that he knows this person's heart and knows what he's capable of and I'm willing to support him today.

>> Mayor Adler: Further discussion in Mr. Flannigan.

[4:00:30 PM]

>> Flannigan: I just want to reiterate I appreciate all the comments on the dais and this is not an emotional thing. Councilmember pool, I really appreciate your bringing the issues up and I want you to know that moving forward, no matter how the vote turns out, we're going to continue to do great work together. While I feel my nominee for this commission will do great work for the city, I also acknowledge that they're appointed by the whole council. So, you know, councilmember Houston, you said this is an awkward situation. It's not awkward for me. I feel like this is precisely the type of deliberation this body is supposed to do. So I'm great with this. And thank you all for your deliberations, and I even spoke to Mr. Jacobi this morning, anticipating this process, after submitting his name a week ago, I guess it takes a while for the agenda office to put the names out, but it's fine, y'all. We're gonna be okay.

[ Laughter ]

>> Mayor Adler: Any further discussion? The motion was to approve the entire slate, the amendment is to postpone one of the names. That has been moved and seconded. Those in favor of PGA consideration of Mr. Jacoby's name.

>> Troxclair: Maybe you were about to explain that.

>> Mayor Adler: We're gonna take a vote on the entire slate in a second. The question is whether Mr. Jacoby's name is on it when we vote. There's been an amendment to move Mr. Jacoby's name right now. We're voting on whether or not his name should be included on that slate or whether

consideration of his name should be postponed. Those in favor of postponing consideration of Mr. Jacoby please raise your hand. Those opposed?

[4:02:31 PM]

One is voting no are Houston, Flannigan, troxclair and Renteria. The motion to postpone passes with the vote of the others on the dais. We're now gonna vote on the slate with one name not considered because it's been postponed. Any further discussion? Those in favor of that slate please raise your hand. Those opposed? It passes unanimously on the dais. We'll now combo to -- we'll now go to -- before we do, by way of notice code section 251025e says if there's a vacancy on the here, a council committee, that the mayor should make an appointment to fill that vacancy for the remainder of the unexpired term, and I affect that by writing it down and providing it to the city clerk, and I have done that, as I said I would at work session with respect to two councilmembers and their service on the mobility committee. So pursuant to section 251025e I have appointed councilmembers Flannigan and alter to the committee. I'm giving you notice I've done that in writing and giving it to the clerk pursuant to the ordinance.

>> Kitchen: I wanted to add that action as you know was the only one we could take right now but councilmember Renteria has expressed an interest in being on the committee so I hope you'll come on Wednesday. We're not -- there's nothing that we're gonna be doing there that you can't participate in and anyone else who is interested in coming also is welcome.

>> Mayor Adler: Okay. The next item that we have on our agenda for consideration now is item 40, music omnibus activation issue.

[4:04:40 PM]

Ms. Houston, I think you said you had a quick question on that?

>> Houston: Thank you, mayor. I just just wondering what the role of the equity office would be in tracking the wording in the resolution is equitable distribution of effort services and resources. Is the equity office a part of this tracking of this equitable distribution?

>> Mayor Adler: I would certainly hope so. Manager says yes. There are two people of that signed up to speak. Yes?

>> Troxclair: Just a time check. We had a time certain on the item regarding simple %-@recycling and I think that there's a lot of people in the audience who have been waiting here since 1:00 and so I just wanted to know when we would get to that item.

>> Mayor Adler: Let's see if we can get to that right after this one.

>> Troxclair: Thanks.

>> Mayor Adler: I don't think there will be much discussion on this. Do people need to speak on this one? Mr. King? Michelle Pulver, do you want to speak? You.

>> Good afternoon, mayor, good afternoon, councilmembers, thank you your name. My name is much he will, I'm a member of the task force that looked at ways to use some of the emergency performing arts venue crisis funding. And I also have participated in community gathering of information over the course of the last -- since February of last year with chair omnibus and I'm also vice chair of the arts commission. I'm here to say thank you for your support and work on this project. As you well know, it's a rough time right now for artists in the community, and venues are in trouble and venues are fighting issues with major rent increases and things of that sort. But we have in the last several weeks been sort of increasing our activities and looking for additional information, and the cultural arts division on Friday convened a focus group, including members of city staff from various departments and major

stakeholders in the arts community, including a number of those venues who are about to lose spaces, recently lost spaces or dealing with code enforcement issues.

[4:06:59 PM]

So out of that focus group meeting, those responses came before the arts commission on Monday, and on Monday the arts commission reiterated their support for this particular resolution and its status at that time and also reiterated their support for some of the findings of that focus group, which include items such as potentially repurposing a city facility and bringing that up to minimum code standards so we could supply rehearsal performance, studio and exhibition space for multiple arts groups and also looking for potential rent subsidies since many of the rent quotes are easily 100 to 300 times what they're currently paying as well as the emergency loan funds that you've already looked at and you've already seen. I wanted to get that before you and basically wanted to say thank you, as we look forward as we continue to try and resolve these issues that we think very broadly and be flexible in the ways we approach it. And that's all I have. Thank you so much for your time.

>> Mayor Adler: Thank you so much. I move adoption of this item 40. Is there a second to this? Ms. Pool seconds this. Is there any discussion? Those in favor of this item please raise your hand. Those opposed? It's unanimous on the dais. Thank you. What was the number, Ms. Troxclair? 42?

>> Tovo: Mayor, it's my understanding we may have consent items on our 4:00 agenda? Is that possible. I know we want to get to our time certain item before that but I was thinking if there's 4:00 items we might be able to dispense with trial on consent.

>> Mayor Adler: These are all postponements on the 4:00 agenda? Is staff here for these?

[4:09:09 PM]

>> Sossy truelove, interim director of neighborhood housing and I'm here for the 4:00 time certain postponements. 89 we're requesting postponement to February 16. Number 90 we are requesting postponement to March 2. 91 we are requesting postponement to February 9. And number 92 we are requesting postponement to February 2.

>> Mayor Adler: Okay. Is there a motion to move these postponements? Mayor pro tem makes that motion. Is there a second? Those motions, Ms. Garza seconds those. Any discussion on these postponements? It's been moved and seconded those in favor please raise your hand. Those opposed. They are postponed. Thank you.

>> Thank you. Councilmember Casar was off the dais for that vote. That gets us to item 42 both because it's time and it's the next item. We have speakers signed up to speak on this matter. I also understand there may be a motion to postpone this as well for a week so that the folks can talk. Is that what it is? Postponing for a week? Does someone want to make a motion? Or do we want to hear from the speakers first.

>> Troxclair: I think we should hear from the speakers first.

>> Mayor Adler: Let's do that. Adam Windfield is Sam Perez here? You have six minutes, Mr. Windfield, if you want to take them.

>> I have a brief presentation I'd like to provide

[4:11:10 PM]

[indiscernible]

>> Mayor Adler: Give it to the clerk or -- is it electric or -- electronic or hard?

>> I have electronic and I have hard copies.

>> Mayor Adler: If you want the clerk to hand out the hard copies, she'll take them.

>> [Off mic]

>> Mayor Adler: I hear that. But I can't adjudicate that. If people have -- want the opportunity to speak, I need to recognize them. Are we ready? Go ahead.

>> First of all, I want to thank you for the opportunity to present today. My name is Adam Windfield, I'm the founder and president of simple recycling. We're a small family business that operates a clothing and household discard recycling program. We've contracted with the city of Austin and launched our program on December 5 of this past year. Since the program has launched we've had over 6,700 residents participate in the program, and I'd like to take this opportunity just to share a little bit of information about who we are, why we are, and answer any questions that may exist.

[4:13:12 PM]

So our program is free to the city. It is -- cost-free for the city and for the residents. It's a turnkey program. It is designed to be simple and easy for the residents to utilize, and it will allow the city of Austin to divert the 6.6 million pounds of clothing that enters the waste stream and the landfills every year and continues to grow every year. So according to EPA data, 15% of clothing gets donated charitable organizations, 85% ends up in the landfill. That represents a significant segment of the solid waste stream. I don't have percentage figures for the city of Austin. The only local figure I have is the Austin resource recovery number of 6.6 million pounds per year. So our intention is not to negatively impact the charitable organizations. They do great things. We encourage residents who donate to local organizations. Please continue to do that. But what we've seen in traditional recycling is that offering a curbside collection option dramatically reduces the amount of material that enters the waste stream and ends up in the landfill. So we started our program about four years ago with small communities and towns. We've expanded to 56 cities and towns. We service almost 3 million residents. Anywhere from Austin being the most recent to up to four years ago. Other examples of cities of that done this for a number of years, Sugar Land, Texas, Lansing, Michigan, those communities have not reported any negative impact to their charitable organizations. So we were awarded the contract after a lengthy evaluation period and a formal public rfp process.

[4:15:18 PM]

We came into town and we've opened a new facility and created jobs and created an avenue to keep this material out of the waste stream. And we're very proud of that. There's been some concerns about non--- from the nonprofit organizations that this could impact their donation streams, which is a valid concern because it is similar types of materials. What we've found is that those are concerns and that the -- there hasn't been enough time to actually collect the data, and in the communities that we've been working in for up to four years, that data has not proven out. We want to take the opportunity today to address these concerns and ask for an opportunity to find solutions that everybody is comfortable with, including the city staff, including the residents of Austin, including the local charitable organizations. That does not immediately call for the cancellation of our contract because that contract we've invested significant resources. The only way that we stay in business is that we divert the material from the waste stream, we sell that to downstream reuse markets and that's how we generate the resources to provide this service. So our plan, and I -- honestly, I thought we were postponing today so I wasn't even expecting to have this conversation, but what I would -- what we would like to do is come up with a plan that's acceptable for all parties. Some of that my suggestions are to create a list of all of the local donation options. Let's focus on what are all of the options for Austin residents, and let's

promote that, so that this material that is going in the trash can doesn't end up there but we still provide the option of a curbside collection service.

[4:17:24 PM]

So let's generate that list. What are all of the local options? To have a meeting amongst all of the parties, to come up with what's the messaging and what's the path forward. We're happy to contribute and participate in the design so that the city doesn't have to go through formal bidding processes to create that material. To help provide content for Austin's website to excite and wait the local donation options. We can also provide a toll-free number that provides access to local donation option information for residents that don't have internet access and to continue to develop the messaging, here are all of your options, please don't throw this material in the trash can. I'm confident we can work together with the nonprofits and prove out that -- and by bringing additional conversation and dialogue around all of the local donation options that residents will continue to support those organizations and increase their support.

[ Buzzer sounding ] Thank you.

>> Mayor Adler: [Off mic] Let's check and see if any others want to speak. Also signed up

>> Tovo: Mayor, I have several questions for this speaker but I'm very comfortable going through the rest of the speakers in case there's some who want to leave and circling back if that's all right.

>> Mayor Adler: Let's go ahead and do that. Dana Houston, does Dana Houston want to speak.

>> I'm Dana Houston, I've been a resident in my neighborhood for 34 years. I live in district 10.

[4:19:24 PM]

And I have always been passionate about recycling. I am so happy the simple recycling is in Austin, providing such a wonderful recycling service. I ask that the city council not cancel the city's contract with simple recycling. Please allow them to continue this wonderful service to help Austin achieve its goal of zero waste. I've been a recycling block leader with the city for many years. This is a volunteer position. We are a group of people who are committed to help the city reach its zero waste goal by 2040. We are boots on the ground in our neighborhood to help our neighbors better understand the processes of recycling and how and what to recycle. In Austin we have many hurdles to overcome if we are going to reach our zero waste goal. One has to do of course with the textiles in our landfill. In 2014, an Austin resource recovery study found that we are sending over -- this blows me away -- 3300 tons of textiles to Austin's landfill each year. Clearly if 3300 tons of textiles goes into our landfill each year there needs to be an alternative to our throwing these things into our trash cans. Simple recycling provides one solution to this huge waste problem. Here's a simple recycling does that makes them so special. They make recycling convenient. They provide the green bags. They pick up curbside. When they pick up a full bag, they leave another for us to fill up for our next recycling day. They're helping to reduce what goes into our landfill by recycling, reusing or repurposing some of those items that we've all thrown into our trash can. That one single t-shirt, sure, old holey underwear, clean of course, socks with holes, t-shirts that are torn and for so many years I put them into my trash can because I did not know what to do with them and now simple recycling takes care of that for us.

[4:21:38 PM]

If we are to achieve zero waste in Austin we need to do it in many ways and simple recycling offers us a service to help us achieve this goal. I still donate to my favorite charity. I always will. My neighbors feel the same way. Simple recycling has not taken that choice away from me. I want to thank you for your

time. Now I have to go home and roll out my blue recycling bin, take my tiny garbage can to the curb, turn my come post pile and put out my green bag for simple recycling. Thank you so much.

>> Mayor Adler: Thank you. January gunter. Jan gunter.

>> I'm Jan gunter with Salvation Army, and the -- we had agreed in this meeting earlier today to go ahead and postpone this but since simple recycling has spoken I wanted to go ahead and take the opportunity to do that. We are willing to postpone this until next week and to continue this conversation because I think that we decided that there was more to be talked about and we could perhaps work on some things together. But I want to tell you that charitable donations of reusable items such as are being collected now by simple recycling provide a critical source of funding for the Austin Salvation Army adult rehabilitation center, and, obviously for many other local charities. To -- the convenience that was mentioned earlier by simple recycling is precisely the reason that the problem that ensues is that because it becomes very convenient to put things at your curb and donate them to a for-profit organization which doesn't even process them here and recycle them here in the city of Austin, it's -- it directly impacts, negatively impacts the charities involved.

[4:23:54 PM]

I want to tell you that last year the Salvation Army adult rehabilitation center served 1,381 people in our community in a six-month residential program. That is designed to help free people from a life of addiction. And so it's when those -- when we lose those goods that are donated at the curb and, therefore, not brought in to the Salvation Army, we lose the ability to fund the programs that help these people and of that a ripple effect on not only these 1400 people but their families and their -- the people that they work with, the people that they interact with, their spouses, their chirp, their parents. In addition to that our center employees 100 men and women from our community. Beneficiaries find help, hope, and a second chance through the rehabilitation of the mind, body, and the spirit, and this program is funded exclusively by the sale of donated goods at our local family stores. In addition, through our recycling efforts, we have kept 983 tons or more than 1.96 million pounds of clothing and 2400 tons which equals 4.8 million pounds of household goods out of the landfill.

[ Buzzer sounding ]

>> -- In just one year, for a total of -- as I said we'll continue to work together this week, but are concerned about the negative impact this may have on the Salvation Army adult rehabilitation center.

[4:25:58 PM]

>> Mayor Adler: My hope is you can find a good solution.

>> Pool: Mayor, I have a question for goodwill.

>> Salvation Army.

>> Pool: I'm sorry.

>> That's okay.

>> Pool: Does the salvation Army accept the single shoes and less desirable cloths that were just listed as appropriate only for simple recycling? In other words --

>> Yes, we do.

>> We accept all textiles.

>> Pool: Come on up to the microphone and introduce yourself.

>> I'm the administrator of the adult rehabilitation center in expanse we do accept those items that you question.



>> Pool: I wanted to check with the simple recycling folks, is that something that's on your marketing materials, that you accept types of clothing like single shoes that cannot be -- that are not accepted by the Salvation Army?

>> So our material states that --

>> Pool: Come on up to the microphone so we can get you on record.

>> Sorry. We are able to collect all material regardless of quality, condition --

>> Pool: I understand that piece. What I'm asking specifically to your marketing materials.

>> Yes.

>> Pool: Do you say on your marketing materials that you accept types of clothing like single shoes that is rejected by the nonprofits like the Salvation Army?

>> Not specifically. No.

>> Pool: Not specifically but maybe generally?

>> So all of our marketing material says that we accept clothing, shoes, reusable home goods.

>> Pool: All right. So you're talking about what you accept and you are not saying that you accept things that are not acceptable by any other entity?

>> That's correct.

>> Pool: Okay. All right. Thank you. Thanks so much.

>> Mayor Adler: Thank you. The next speaker is an Andrew Dobbs.

>> Tovo: I'm sorry, I have a question. You accept those shoes but --

[4:27:59 PM]

>> We do sell them.

>> Tovo: You sell single shoes and things of that sort?

>> Tovo: Absolutely.

>> Tovo: Thank you. That's helpful information. I wouldn't have guessed that. If you do receive items you can't resell, what do you do with them?

>> We recycle cardboard, metal, anything can be recycled. We just separate it out and just -- it may not be sold to the general public but it is sold to fund our rehab program.

>> Tovo: Including textiles?

>> Including textiles.

>> Tovo: Thank you.

>> Hi. So I'm curious because I'm new to the dais, as you know. So are you already experiencing a reduction in donations as a result of this program?

>> Absolutely.

>> Flannigan: Has that data been provided? Because I don't think I've seen the data on that.

>> In earlier discussions in the mayor's office we were going to have a meeting on Monday. We didn't know there was gonna be a presentation by simple recycling recycling today so we're trying to catch up here a little bit. We were hoping for a postponement of anything to be able to give more information to the council about numbers and actual facts.

>> Flannigan: Excellent. Thank you very much.

>> Mayor Adler: Thank you. Mr. Dobbs.

>> Troxclair: Mayor, maybe I misunderstood. If everybody here on this item was expecting a postponement, agreed to a postponement, and did not want to speak, then we can goad and have that conversation. I was under the impression that they still wanted the opportunity to speak.

>> Mayor Adler: I think the problem at this point is we started in this process.

>> Troxclair: Okay.

>> Mayor Adler: That's why I wanted to potentially consider the motion first but we went to the group, the group spoke and once we started a few more people have signed up because they want to be able to express the other side. I'm not sure we can stop at this point, having embarked on this process. Mr. Dobbs.

>> Thank you very much, Andrew Dobbs, Texas campaign for the environmental.

[4:30:01 PM]

I think I just want to express the same kind of confusion or whatever and hopefully, you know, maintain a little bit of peace among stakeholders here that I don't think that anybody was trying to pull a fast one here. I think there was a miscommunication, never ascribe to malice what can be miscommunication in city politics. Just want to make that clear. I want to qualify my own miscommunication where I sent y'all an email where I indicated that simple recycling was paying less than living wages. They do not. They pay at least the city minimum living wage to everyone working here in Austin even though they're not required is to so our major concern was there was a city contract that went out that doesn't require them to do that and we need to make sure that is taken care of. I'm sure if it had come before y'all that might have been taken care of. There are two big factors here. The first is that everybody -- that everybody agrees on. Everybody wants to keep this stuff out of the landfill, whether it's every certainly stakeholder involved wants to keep this stuff out of the landfill and everyone wants the missions of the nonprofits that be they're being affected to succeed so we need to find a way to do both those things together and I think that's what we need to do and that's where tce is at on that. We cannot and will not support the cancellation of any recycling program. We're talking to folks in the field that find they are really excited about this. A lot of them are taking their stuff to the nonprofits and doing this. Some throwing things away are doing this and I'm sure there are some that would have taken things to the nonprofits and are now doing this. Regardless we cannot support the cancellation of a recycling program in the city. Number 1. Number 2, we are okay with -- we want to convene a process to where we can explore the options of are there better alternatives that we could replace this with or supplemental programs we could use to make sure that we are protecting our valuable nonprofits while also capturing this material from the landfills.

[4:32:03 PM]

We also need a little time to answer the question, is this stuff capturing stuff that would have gone into the trash or is it capturing stuff that would have gone to these folks and we need to do that in a way that doesn't leave these folks saying I guess that was a successful experiment. It's a tough situation because, once again, and I feel like I've said this, before we have a situation where big decisions are being made by staff and stakeholders weren't adequately notified. You know, I wrote on Monday that I thought that the policies had been set. For somebody like me I pay a lot of attention to what the recycling programs for five years from now are. The folks with these nonprofits and other collectives that work on this stuff they don't pay attention to that, right? It's not their fault. That's Normal. I don't pay attention to what's going on in a lot of the city departments. They needed to be contacted. They needed to be engaged. We have to get better about this, and I hope that we'll use this as an opportunity to learn.

[Buzzer sounding] The bottom line real quick is that we've got a great zero waste business here that's contracting in good faith with the city. We cannot drive these people out of business. We cannot harm their businesses because these are the people that we need for the future. We also can't harm these nonprofits so let's work together to find a solution that benefits everybody. I'm happy to take any questions.

>> Mayor Adler: Any questions at this point? Mr. Dobbs, thank you.

>> Thank you. Kurt, congratulations.

>> Mayor Adler: Thank you. Tracy berry and then Kathy Hurwitz is on deck.

>> Good afternoon, Tracy Barry with goodwill central Texas and we still hold the position that as of today that cancelling this contract makes the most sense for the not for profit community. We are willing to engage in conversations to see if we can come up with something else but I think it's important to note that the rfp that was put out for this was specifically stated will not compete with charitable donations and it absolutely has competed with us.

[4:34:11 PM]

Again, pure statement in the rfp. Just by nature of it being the most convenient, like one of the speakers talked about, we have national studies, marketing studies, that say that the number 1 reason people donate is for convenience, not for the good cause. It's because they want that pile of stuff that's been sitting there -- how many of us keep stuff in our trunks forever, and are, like, I'll get to it. That's why they donate. So we now -- the city gave a for-profit business from Ohio the competitive advantage over all of us, the people who have demonstrated a track record of success, not only diverting from the landfill. Goodwill is a zero waste organization. We are absolutely committed to doing that. We are one of the only organizations that accept almost everything other than mattresses and hazardous materials, we'll take anything else, including TVs. Right now we're losing \$64,000 a year on recycling TVs because we are that committed to zero waste and we have invested in our community, serving the countless number of people in Austin who need jobs, job training and education. We opened the only adult charter school in the entire state of Texas. Those donations fund it. When you're taking that away from us being able to help the people that are most vulnerable in our community, that is damaging and to date we absolutely have the data that we are 1.5% down in donations. When you look at the value of that, that's about half a million dollars. What could we do with that? We're trying to create jobs, we're working to solve the problems of this community. So there's no question that there has been this competition in our community and we have talked about solving the problems of we appreciate that they've invested in our community by hiring some individuals, but, you know, we have talked about -- as a nonprofit community how we could help those people find jobs.

[4:36:13 PM]

Bottom line we need to take care of the people in our community and know that all of us as not for profits are absolutely committed to zero waste and we were never brought in the process from the beginning and again with our demonstrated track record of success we can solve the problem. It's 3300 tons that has been identified. We're experts in this. We've been doing it for -- goodwill has been here for six decades and all the other nonprofits combined we're over a century when you combine it all together. We can solve the problem. Give us the opportunity to --

[ buzzer sounding ]

-- Get at that 3300 tons. Like I said we're willing to entertain conversations over the next week to see if we can find a solution but I wanted you to hear why we are here and what we shall. Thank you very much.

>> Mayor Adler: Thank you. Mayor pro tem.

>> Tovo: You talked about the drop in donations. What was it 1.5%?

>> Excuse me, 1.5%, yes.

>> Tovo: In what time period?

>> In the last four weeks.

>> Tovo: Just since simple recycling?

>> Yes.

>> Tovo: How does that compare to previous -- have you looked back at, like, the last couple years to see if that's sort of a trend that apps over --

>> Yes. So that -- the very big difference is the difference in donations between the same exact four weeks difference between last year and this year is 13,313. That's significant. 13,313.

>> Tovo: That's the difference in the number of donations?

>> When you talk about -- when you compare last year to this year, yes.

>> Tovo: For that four-week period you're down that percent?

>> Correct.

>> Tovo: I appreciate that, thanks.

>> Mayor Adler: You say that translated to half --

>> The value about a half a million dollars.

>> Mayor Adler: In the four-week period of time?

>> Correct.

>> Mayor Adler: Okay. What's the total amount of contributions you get? That would be about \$30 million over the course of a year?

>> It depends on how -- when you annualize it. It would depend on if that trend continues and you're just looking at, you know, the value when we recycle those pieces.

[4:38:20 PM]

Some of it sold in the stores, we have about a 37% rate in the store and people are paying sales tax on that too.

>> Houston: Are there some things that people donate that you can't use and if there are what do you do with those items?

>> So we believe in maximizing every donation. We start with it being sold in our stores. We have two -- after it moves from the stores we have two outline centers, one in south answer and one in north. From that point we go to recycling or salvage and do everything we can to sell it to vendors, single shoes is a great idea. We sell truckloads of single shoes. The difference is while those might leave -- the product might leave our community, the money we earn from that actually stays here and goes back into our job programs.

>> Houston: So there's -- there would never be an instance where you would have something that you could in fact recycle through the simple recycling?

>> That we would recycle through simple recycling?

>> Houston: Right. You always have a way to dispose of --

>> We do.

>> Houston: -- All the things you're getting?

>> They're doing the same thing we're doing. They're not recycling it. They're reselling it. That's how they're keeping it out of the landfill. We do the same exact thing. So. . .

>> Houston: Okay.

>> I think that's an important note. It's more repurposing and reselling versus traditional recycling, for example, metals and papers and things that actually are recycled and turned into other product.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria, then Ms. Garza.

>> Renteria: Did I hear you saying that if you had the opportunity that you were willing to compete with maybe some bids for -- if there was ever a bid opening to house to house to pick up recycling?

>> You know, I don't know the answer to that because that's part of the not for profits coming together because, again, if I read that clause -- the rfp literally will not compete, if I went after that contract I'd be

competing with Salvation Army so it looks like we have to come together to figure out how we collectively do that.

[4:40:36 PM]

>> Renteria: I just thought I heard you say you would find a way to get all that tons of --

>> The 3300?

>> Renteria: Materials going to the landfill. How would you do that if you're not gonna do that -- I mean, how would that happen? How would you keep it from going to the landfill?

>> You know, we've talked about everything from donation drive, specific donation drives, to yes, there could be a hauling contract where we somehow do some level of curbside but my understanding is that we wouldn't be able to engage in that given the way the contract is written.

>> Renteria: There is a lot of people in east Austin that don't have vehicles and they're not gonna go drop it off.

>> Right.

>> Renteria: Who would your solution be.

>> We all do house pickups already so we're already engaging in that so we would find a way -- I believe we could find a way to expand that to meet this need. What that looks like today I'm not exactly sure because, again, that's what the not for profits want to come together to make sure it's not goodwill dominating the market.

>> Renteria: How long would you think that it would take you so -- I mean, we don't want to just stop the contract and then all this material ends up in a landfill.

>> Absolutely. And that's one of the reasons we I think talked about postponement is that we were gonna -- work to come up with a solution in the next week. We are really smart group of people who have been doing this for a really long time so I think it's just figuring out how to bring all our resources together to solve the problem. When you think about how much we already keep out of the landfill just by existing, you know, 3300 tons isn't significant versus what we're already pulling out and I think it's important to note that that was to solve a problem about textiles to note when you talk about simple recycling's advertising materials it's all these other pieces, household items and all the other things that wasn't supposed to be -- that wasn't part of the problem that was originally outlined and so when you look at whether they're taking donations they're not just now taking the textiles but they're also taking, you know, all those other household items that wasn't part of the deal.

[4:42:41 PM]

>> Renteria: I hope when you come back you can talk about some answers to that.

>> I think we will be able to. We need to given the fact that we have had a lot of people that have told us one of the reasons they agree to put out the bags is they actually think it's going to a not for profit, they don't realize it's going for a for profit so I think we have work to do to make this better for our community.

>> Mayor Adler: Ms. Garza.

>> Garza: The biggest misunderstanding for me and maybe for others it sounded like simple recycling has a market that goodwill wouldn't want that stuff and it sounds like you're saying you use everything.

>> We do.

>> Garza: While it seems like generally most of us don't donate clean old underwear there are people who do.

>> They do.

>> Garza: Put that underwear in a bag and take it to goodwill.

>> We get all sorts of crazy stuff. You have no idea. We find a way to maximize all of it because it matters to the people we serve. We have that obligation to maximize every dollar that comes out of them and, again, we're committed to zero waste. So I think that whole thing, the misnomer is that we can't do both. So all of us organizations are absolutely committed to zero waste and support the city's experts we believe we can go about it a different way to achieve that goal and keep all that money in the community to help the people, whether it's basic needs, housing, jobs, all the things we're dedicated to and have been for so long.

>> Garza: I'll share my anecdotal story of when I received the bag and I assume it was a not for profit and we put it out on the curb and it actually didn't get picked up so I called 311 and said they didn't pick up our bag and 311 said it's a new program, still working out the kinks, we didn't want to bring it back in so we ended up taking it to goodwill.

>> Thank you very much.

>> Garza: I would say there is -- I don't -- I'm trying to figure out a way to -- all of us can work together and maybe not cancel this contract and not affect -- and address the concerns of residents who don't have access to a vehicle to go drop it off.

>> Right.

>> Garza: And how to keep that out of the landfill and it sounds like it's more of a marketing, to educate folks that, you know, then it's their choice, if you have the ability to take it, to have a car, then you can go down to do that.

[4:44:54 PM]

If you don't -- anyway, it sounds like it's a big marketing education.

>> It is that, but it's also -- you know, we do house pickups. We actually just started doing valet bag service in some condos as Austin is growing and all the high-rises, helping those individuals donate too because they don't have an ease in recycling or keeping those materials out of the landfill but I think it's the idea of simply -- I know there's a lot of conversation of zero waste but we're talking about a contract we're all defending around, again, a company not based here, it's based in Ohio. The money is leaving our community and we can do better. We can achieve both goals and I think that the not for profits should be given that opportunity to do that.

>> Garza: Okay. I'm gonna support a postponement and see what we can work out in the meantime.

>> Thank you very much.

>> Mayor Adler: Is there anything further?

>> Good afternoon, Elizabeth. I'm from the assistance league of Austin Kathy Hurwitz. You have heard from the big players in our town and now you're gonna hear from one of the little players who is very -- we are very concerned about this program going forward. We are a 400 member all volunteer organization. We have been in Austin for 45 years. Our thrift house was established in 1987 so we have been recycling and repurposing in Austin for more than 30 years. Some of you know of us because of our flagship program operation school bell. We have clothed at-risk children in the Austin area. We have clothed over 85,000 children in this area. The clothing that we give to those children, to these children, are -- the revenue that pays for that come from our thrift house.

[4:46:54 PM]

Our thrift house lives or dies on donations. The donations that simple recycling is getting, the textiles and the household goods are exactly what pays for the program that assistance league operates, be it operation school bell, the toy cart at children's hospital, if any of you have grandchildren or children who have been there, those nice ladies that come into their room, that's us. And those toys are paid for

by the donations that people bring to our door. We do not have the pickup that goodwill or Salvation Army may have. We count on our faithful donors to bring items to us. And if they decide that it is ever so much easier to just put them in a green bag at the end of their driveway they're not coming us and when our thrift house goes away because our donations have gone away then all of our programs that have served Austin for so many years will also go away. So while we support a postponement of the discussion of this matter for a week, we would like very much for this not to go on for a very long time. You asked earlier about the decrease in donations. We do not judge by tons. We judge by revenue. And in December we were \$22,000 ahead of our revenue from the previous year. This month we are \$12,000 ahead of our revenue from last year. That is a \$10,000 decrease in one month. I can't tell you that it is because of green bag, but that seems to be the only difference that we see in our community. So my request to you is just to remember not only the large players that you see here, but remember those of us who are small and live or die on what you are giving to simple recycling to take out of the city of Austin.

[4:48:57 PM]

I thank you all for your consideration.

>> Mayor Adler: Thank you.

[ Buzzer sounding ]

[ Applause ]

>> Mayor Adler: Next speaker.

>> Hi, my name is mark, I'm the chief operating officer of goodwill industries of central Texas and appreciate the time. I was not anticipating in sharing an opinion today, but feel compelled to refine some of the data points and speak at a broader range as to what Ms. Barry did previously. I want to make sure folks understand that goodwill central Texas is in no way in opposition of recycling. For what we've done as an organization for over a hundred years that is a somewhat ridiculous statement. We have just our organization recycled 16,000 tons of goods in the previous year. So if we are to talk about the data point that's in your powerpoint that was presented earlier, the note was that we -- in Austin recycled 3300 tons of textiles. We reported in that same presentation that the EPA numbers said 85% of those goods are sent to trash and only 15% are donated. I will remind folks not that you need but we are in Austin and Austin is quite a bit different than the numbers and information that was presented from the EPA standards. If 3300 tons is all that's hitting the landfill, I will challenge the 85% trash which goodwill alone is recycling 6,000 tons. Almost twice as much as what's hitting the landfill yet the information you were presented is 85% of this type of material hits the landfill. That's completely inaccurate. I think that one of the things that we need to remind ourselves is that the folks that have represented today from the nonprofit platform, which I will say that it was -- this is a very unifying event for nonprofits in our community.

[4:50:58 PM]

We do have partnerships. We do provide services and refer back and forth to each other from a collaboration perspective. But if we have all the nonprofits agreeing this is going to impact us, your nonprofits, and the only dissenting opinion is that of a for-profit company out of Dayton, Ohio, we should be concerned. If we look at just in our salvage operations in -- we have one in north Austin and one in south Austin, we employ more than 200 individuals that are processing the materials that simple recycling is now moving to Houston. Now remind you that our programs in central Texas at our goodwill employ those 200 individuals. Almost 80% of those individuals that we employ are individuals with criminal backgrounds and are limited from gaining employment in other industries in our community.

Also like to remind you that the sale of these items inside our retail store pay employee wages to process the goods here in Austin in addition to sales tax. Two points that simple recycling should I hope maybe clarify, our understanding is they do not pick up textiles at apartment buildings.

[Buzzer sounding] In addition it would be interesting data points to find out what zip code or what portions of the city and districts they're picking up from when making decisions. I have a whole bunch of other stuff but if there's any questions --

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I'd like to ask the same question I asked of the self-about the percent difference you're seeing in your donations and if the simple recycling guy is here I'd like to ask him a question. Is he still around? Can you come up? I actually have one more question. Sir, you couldn't just -- what you're --

>> Our numbers I'm told were down 1.5% from the prior year, what Ms. Barry shared earlier.

>> Flannigan: It's my understanding that your program is rolled out fully citywide?

[4:53:00 PM]

>> That's correct.

>> Flannigan: If there were residents that did not know about the service, did not receive bags for the severance, are there gaps in the coverage?

>> So our contract and our service area with the city of Austin mirrors the existing curbside recycling service area.

>> Flannigan: Right.

>> So places like apartment buildings that do not receive city-provided curbside recycling service were not included in the program.

>> Flannigan: Sure. So if there were residents that had not received bags, they would contact you directly?

>> Correct, yes.

>> Flannigan: Okay. No one in my district seems to know anything about this. I'm curious about the change in donations regionally. Are you seeing that 1% -- that 1.5% difference in your Austin locations compared to your non-austin locations?

>> Primarily, yes.

>> Flannigan: I'm really interested in seeing that data. I'm on board with postponing because I really want to see this information. Thank you.

>> We'll actually break it out by where our store locations are as far as where we're down and that should apply to everyone's district. Anyone else?

>> Mayor Adler: Ms. Houston.

>> Houston: I want it to be known that I do get the green bags at my house, I'm at 78722. So I have been -- I've only used one, but I have gotten them. >>

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: It might be that I'm in Williamson county. I have to bring that up a lot.

>> Renteria: Do I receive the green bags and I'm 78702.

>> We worked off a list provided by city staff for all residences receiving curbside.

>> Mayor Adler: Thank you. Mr. King is our last speaker. Thank you, guys.

>> Thank you.

>> Thank you, mayor, mayor pro tem, councilmembers.

[4:55:02 PM]



I'll be real brief. My brother works for goodwill in north Texas and benefits from what he's doing there and, you know, I donate everything I can to goodwill here in the zilker neighborhood. They have a therefore in the zilker neighborhood that's really important to us so I know y'all value that and that's a priority but I also know that we have this gap here that -- of materials that's -- that despite all of these alternatives and options is ending up in our landfill. So I understand you're trying to find that balance so you're addressing everybody's concerns here. I'm just speaking in support of a postponement instead of a cancellation so we can figure out a way to really address this gap here and not harm the nonprofits. Thank you very much.

>> Mayor Adler: Thank you. Those were all the speakers that we have. We're now back up to the dais. It seems like every speaker who come up and spoke before us was asking for a week postponement. Does anyone want to move a week postponement. Ms. Houston makes that motion. Therefore a second to that motion? Ms. Troxclair. Any discussion before we take that vote? Mayor pro tem.

>> Tovo: I have a question for our staff, I think. I'm not really clear on whether the stakeholder meeting on Monday is being organized by our city staff or that's something that the stakeholders are doing on their own. And --

>> [Off mic]

>> Tovo: Great. I guess what I'm wondering is, you know, there are some other -- on Tuesday I mentioned, for example, the settlement home. Are they part of these conversations as well? If you've ever been to the settlement home garage sale they collect goods all year long and fund the operations of the settlement home through the garage sale largely so I would certainly consider them a stakeholder in this realm as well.

>> They actually -- just to speak they actually have been part of the conversation of nonprofits and they're very interested in this.

[4:57:05 PM]

They just weren't here today.

>> Tovo: Thank you. I appreciate that information.

>> We will certainly add them to our list if they are not already included. When we initially reached out we had a list of stakeholders and the meeting that occurred back in December was very quickly pulled together. We had planned on and were recently planning on communicating with the stakeholders to have another meeting very soon. Especially based on the most recent conversations and so we're looking at that list and hoping to add to that list as much as we can. So any recommendations would be helpful.

>> Tovo: Would you mind sharing that list with us so we can fill in as we see them.

>> Sure.

>> Tovo: I appreciate you have some of the larger nonprofits as well as groups like the assistance league, which do great work in the community and severity of programs as well.

>> Absolutely.

>> Tovo: Thanks.

>> Mayor Adler: Ms. Houston.

>> Houston: Are you planning to send that list to everybody on the council? Excuse me? Are you gonna send that list to everyone on the council?

>> Yes, ma'am.

>> Houston: Because I have thrift stores in my area that, Texas thrift and hope. I don't know what they do with their clothing but it looks like it's in the rain sometimes when I'm there so we might be able to find a win-win situation. Are you gonna meet with simple recycling too? Are they gonna be part of this conversation or is it just the nonprofits?

>> Yes, we hope so. In order -- in all of my work with the city, it's always helpful to have everybody involved at the table. So to the beneficiary our ability we will invite everybody and hopefully everybody will join us. Just in addition to the conversation I just want to make clear too we're not limiting it to nonprofits that we use. We are looking at local thrift stores that are for-profit as well because they are small business owners in our community too.

>> I would like to say the not for profits are gonna get together next week but we also made a commitment in the meeting earlier today we would get with Adam at simple recycling and have a conversation with him as well.

[4:59:10 PM]

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I don't often speak for everyone on the dais, but I think that I do today when I say that we really value the work that our nonprofit groups do for our community and I don't think that we would have the city that we do today with the services that we do if it wasn't for the nonprofits who provide so much of -- fill so much of the need for us. If the decision were to be made today, I just want to put out there that I would support the cancellation of the contract in order to continue to support the groups of that spoken today. But I -- and I'm disappointed that we're in this situation, but I also understand that if there is a way to work out some kind of compromise, you know, I'm willing to take a week to try to do it. But if we're in this same situation next week and nothing has changed, then I'm gonna be inclined to support the cancellation of the contract in support of the nonprofits.

>> Mayor Adler: Any further comments? Yes. Ms. Alter.

>> Alter: I just wanted to make sure that safe place is among the groups that's also being considered, and it is my hope that we will be able to fashion a compromise that will maximize diversion from the landfill while minimizing or eliminating any negative impact to non-profit organizations, and I would very much hope that we can be creative here and find something that maybe no other city is doing that would allow us to be very innovative and accomplish our zero waste goals and meet the needs of our community that these non-profits take care of every single day on our behalf. Thank you.

>> I just want to let you know that actually, goodwill partners is with safe place, we take care of all those donations, they're definitely represented by us and they do very important work for us, so we honor what we are -- our commitment with them and are advocating for them as well.

[5:01:18 PM]

>> Mayor Adler: Okay. Mayor pro tem?

>> Tovo: Just wanted to underscore what councilmember troxclair said. As I said on Tuesday, I have really grave concerns about this contract, for all the reasons the speakers have said, in addition to it diverting resources away from our non-profits and taking those and selling them to other communities, I think -- well, that's the substance of my concern. I certainly want to encourage our arr to look for ways to encourage our own groups to do that and for consumers to divert their textiles and housewares out of our landfill, but I do agree that we can do it here locally, and I look forward to hearing back from our stakeholders, but I guess I'm in the same position as councilmember troxclair. I'm open to hearing what comes out of the discussions, but I'm also concerned enough about this contract that it's hard for me to see, moving forward, with supporting it, it continuing.

>> Renteria: Mayor?

>> Mayor Adler: Mr. Renteria.

>> Renteria: I do find it very hard, but, you know, when you do have and find a contract, there is consequences, you know. We don't know how much this is going to cost the city, you know. That's why -

- who the reason why we're postponing this is because there's a cost associated with breaking contracts, so I want to be looking at it very closely because I don't want to go out, and where we're going to have to be spending -- not thousands but hundreds of thousand dollars, there's a possibility of loss to the city because of what we did and how we got into this contract, so I'm just going to be very careful about this. There's nothing that I have against any of these non-profit organizations, but the city did make a commitment, and, you know, usually when you make a commitment, you sign a contract for a period this long, you know. There is -- and if you break it, meeting all their obligations, we are going to be facing some consequences on this.

[5:03:26 PM]

>> Mayor Adler: I would just add in that I think the council is eager to see what comes out of the conversations that you have as a group. I think you can tell from the dais that -- that across the dais, there's risks associated here for everybody that's involved in this conversation, in terms of how it plays out. So if there's a way to come to a resolution or a solution on this that preserved our non-profits, but does it in a way where we don't stop the contract, that would probably be the best solution. And I hope everybody sees whether or not that happens and -- and for me, you know, what those elements -- what those elements might be, I don't know. But I hope that everybody goes into those conversations in good faith. Obviously, protecting and being true to the obligations that you each have, the responsibilities, the fiduciary duties that you each have. But I hope everybody goes into that trying to be really creative and and see if, in fact, there are ways to come out of this where you end up in a better position than you exist today. Any further comments? All right. There's been a motion to postpone for one week. It's been seconded. All those in favor please raise your hand. Those opposed? It's unanimous on the dais. We're postponed that way. Council, it is after 5:00. The next item has nine speakers on it so I'm going to pass that for right now because I don't think we'll finish it by 5:30. So we're going to go to item number 50, which is the parklands event task force. I think we're accepting a report here. Is staff here?

[5:05:32 PM]

Or is the task force author make a presentation? A presentation? I'll let the clerk know, item 52 is executive session. We've had that at this point. 51 is going to be the entrada annexation. We might be able to get that handled also before 5:30. You want to take up the entrada annexation? Why don't you come forward.

>> Houston: I thought I saw the parkland task force there. They're there.

>> Mayor Adler: You guys ready? Let's come on up.

>> Good evening, mayor and council, I'm Jason with our parks & recreation department. We want with you briefly Tuesday at work session and in front of you you do have the final product of the parkland events task force. They spent just over a year at your direction on a number of specified topics and brought back a 70-page report with 20 pages of recommendations. You do have a line item matrix in front of you. There are some of those items we are ready to get started on today, that we can handle through administrative or internal process changes, and there will be some subsequent items that you also addressed yourself. We'll need to come back in packets, and you do have a thorough packet of items that will come back later with your direction, bundled up to help with some of the items in eight major categories, such as impacts, limits, greening of events, and so we are here for any questions you may have. We do have David king and James Russell with you today who are your co-chairs for the task force as well.

[5:07:40 PM]

>> Mayor Adler: Okay. Ms. Pool?

>> Pool: Mayor, I'm prepared to make a motion to adopt the

--task force, so I wanted to see if there are any speakers --

>> Mayor Adler: Motion to accept the report?

>> Pool: Yes, and I think there may be a friendly amendment that councilmember alter wants to offer. It goes to what Mr. Marge has said. There can be some adopted administratively and I'd like to give direction so they will not waste another day and go forth and do.

>> It had been my intention to bring forward a motion that would have asked us to act on those, asked the city manager to act on those other statements. I was advised by legal that it would be premature, given what was posted in the agenda so my intention to reinforce all the good work the park events task force has done by bringing a resolution to the council next week that will essentially restate our approval of going forward with those administrative items, and then requesting the city manager to take the necessary steps to begin the process to get the ordinances, the changes that need to happen so we can keep this ball rolling. And if anyone wants to co-sponsor that, I didn't want to go against the ruling of law my first meeting, so I'm going to -- so I'm going to stick with that and hope that everyone else on the dais will go along with that and will do that next week. And I apologize to the staff for having to have them come back again. But I think it's really important that we as a council recognize the enormous amount of work this went into this task force report, and the combination of stakeholders that came together to come up with proposals. Not everyone agreed on he ever single item, but for our park system, how we handle these events is extremely important.

[5:09:46 PM]

It's also important for our economy, and so I think it's wonderful that many of these stakeholders came together. They have very concrete suggestions on how to improve conditions in our parks and how to improve things that are going on in our neighborhoods, and we can't just let this report be something that shoots on the shelf. So next week I will -- hopefully we can just go through it on consent and it'll be real easy and won't take up a lot of time. But I do believe the next step is for us to provide direction that requests it within a certain period of time. So thank you.

>> Absolutely. We look forward to it.

>> Pool: So knowing that then, I will simply move approval and adoption of the parkland events task force report.

>> Alter: And I will second that.

>> Mayor Adler: Ms. Kitchen pools -- I'm sorry, Ms. Pool, seconded by Ms. A lot. Ms. Alter. It's been moved and seconded. I also want to join and thank you, the task force, for significant work that's done, time and effort put in on an issue that not always -- weren't the easiest ones to pick up in the city so I add my thanks to that as well. It's been moved and seconded. Yes, Ms. Houston?

>> Houston: Thank you. You all have done a great job. Could you just say for the public one more time about alternative venues and whether or not the events that are happening on certain venues now will be moved to their suggested venue or alternative as people are still unclear about that, at least in my area.

>> Absolutely. The recommendation from the task force is that there would be again a package, so there would be a package of creating some alternative spaces, but the existing events at the existing locations will stay. And any changes to those limits would be through attrition only going forward.

>> Houston: Thank you. And one last thing is that, evidently, the -- the development across the street, across the road on 969 from Johnny Trevino park didn't feel like they had been engaged, so after this is over, can we talk about how we can go out and engage them in that conversation?

[5:11:58 PM]

They're not -- they're in the etj. The park is in the city. So they felt like they had been left out.

>> Absolutely. The task force also included a very robust requirement that future consideration of these parks include a very aggressive stakeholder input plan.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I also agree with my colleagues on the good job you did. But I had some -- some of my constituents there, especially around the fiesta gardens area, had contacted me basically saying that they felt like they didn't really have a big input. What kind of groups did you reach out to there in the fiesta gardens?

>> Over the course of the year we held over 30 public meetings. All of it was posted obviously through our Normal council process, through boards and commissions, but next-door, we had meetings, and we did have several citizens from around the neighborhood at festival beach and fiesta gardens attend. We received almost 3,000 input comments through speakupaustin, through a tax survey. We also took e-mails directly to our office. So I feel we got a quite robust amount of input from a variety of mechanisms.

>> Renteria: My big concern, too, is, you know, the parking part of it. We do -- fiesta garden is right next to residential, and I would hate to see that some of the people might lose their parking that actually live there across the street, so --

>> And the task force has prepared for you, councilmember, one of the recommendations, and again they're a package, but one of the relief items is some parking programs that can be more easily activated during events. So with your support going forward, we definitely have some recommendations that will provide some relief.

>> Renteria: Okay. Thank you.

>> Mayor Adler: It's been moved and seconded.

[5:14:01 PM]

All those in favor please raise your hand. Those opposed? It's unanimous on the dais and thanks to all.

>> Pool: Thanks to the staff and stakeholders. David, thank you so much.

>> Mayor Adler: I say that, was Scott Johnson here? Good. I would have let him speak had he been here. I didn't see him. But I didn't ask. All right. Let's do the next item, let's do item number 51.

>> Good evening. My name is Virginia clay from the planning and zoning department. Item a 1 for your consideration today is the entrada organics, set on your agenda form second and third readings. It was approved as part of our annual program. I'm here to answer any questions you might have.

>> Mayor Adler: My sense from the work session is that there seemed to be a will on the dais to postpone this item, which effectively meant that if it came back again, it would have to be renoticed so that we could get the staff's setting out for us the opportunity to have a policy conversation about annexation. I don't know if that's truly the will of the dais. That's what I -- that's what I felt. Mr. Casar?

>> Casar: Mayor, I think this will be the first time that I also support postponing an annexation. There was one case where we -- where we did not -- where the council voted to annex an area, I voted for annexation in that case because the environmental reasons I think were really important in that regard. In the other case it was a small neighborhood and I recognized the challenges we face there, but I voted for the annexation as well. But in this case, because it seems like there will be land use controls and a potential pid, I'm willing to -- and some potential community benefits negotiated by the county in that respect, I'd be willing to wait to see how that process goes and if it's no our liking I'd be willing to have

the land use controls go through that form of the community benefits in that form, given that if we annex the area, the existing mud, is my understanding, would rule and we wouldn't have the sorts of control we'd probably want to have.

[5:16:22 PM]

I'm still likely for annexing this if the pid negotiation doesn't go to our satisfaction.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I guess I'd really like to hear again from our staff, what the benefits were of annexing it, and I -- I really hope when the pid -- if it does not pass today, and it sounds like at least the mayor believes there's not significant support for annexation here today, but you know, as we talk about pids, I think it's really critical that we compare whatever community benefits are being offered against the loss of tax revenue that we would get over the life of those -- over the extent of time that we're delaying annexation. And that's a really important consideration for me because we could use those tax dollars to invest in some of those community benefits, and we might end up ahead. So if you would sort of just take us through a couple -- if you could just remind us a couple of the reasons why annexation was recommended by staff, and whether staff are continuing to recommend it, and again, just recap the primary reasons.

>> Houston: And, mayor, if I can say the public improvement district is not from the city. It's going through a process at the county. It's not a city public improvement district. We're still working at the city on developing our process. The county is trying to develop theirs in tandem and they're trying to get more community benefit, like housing that low wage workers can accommodate. And so if we annex now, then come when the -- if, in fact, they do adopt the public improvement district for this tract of land, they will be assessed for the public improvement district and they will be paying Austin city taxes, which will get out of the range of any kind of housing for low wage employees. I think that the communities are going at 200,000 to 230,000 now.

[5:18:24 PM]

Travis county is trying to negotiate that through the public improvement district. My thing is to ask for a postponement till we see what they're doing. We can always come back and put it on a annex plan.

>> Mayor Adler: Ms. Pool?

>> Pool: Yeah, that was my understanding as well. I know Mr. Metcalfe is out there and we can maybe bring him to ask questions, but my understanding was the developer wasn't necessarily opposing the annexation, it was simply a timing question and it was important for Travis county to make its determinations about whether to grant the public improvement district, and so I am willing to allow this to be postponed so that that work can be done, and then we can move forward. Because then I think we have a 30-day clock ticking after that point, right, to approve a pid if Travis county approves it? Is that correct?

>> So I think I can answer all of those questions. I'll go in reverse. The time for the pid is if the county approves a pid, the city has 30 days to object to the creation of the pid and override what they've created. And then regarding the affordability, so within a pid, the pid assessments are collected from the same neighborhood that the houses would be affordable from. So it's -- one way or another, either they're paying for the affordability -- they're paying for the price of the house or they're paying pid assessments that provide affordability for their same neighborhood. And then regarding the annexation policy, I attached a backup, page from our comprehensive plan, which I realize I went into the public hearings process but did not include so much in the ordinance backup, but in accordance with our annexation policies described in the comprehensive plan, the city should annex areas in order to expand

use and development regulations to land in our etj, protect the tax base, broadly distributing the cost of services that benefit city residents, deliver public safety and utility services, and provide municipal services to developing and urbanizing areas. So those areas immediately surrounding the city and unincorporated areas are not paying into the city tax basements however, all city taxpayers are also paying county taxes so it's sort of a way of subsidizing -- city taxpayers subsidizing from outside the city limits -- it's complicated and I can probably do a better job explaining it.

[5:20:47 PM]

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mayor, if I could either invite our financial staff up to address that last point or to ask you to clarify it, but, you know, I think it seems to me the pid assessments which are being collected from those who are living within it, are paying -- as you said, paying for those community benefits, versus collecting, if they were taxpayers, city of Austin taxpayers, those benefits, the affordable housing benefits would be spread over a larger -- would be spread over the whole. So I guess I would see if Mr. Canally wants to -- I'm not articulating it well, but it's one of the potential advantages I would ask my colleagues to consider over annexing it, rather than -- rather than, you know, potentially the pid.

>> Certainly. I'm Greg Canally, financial services. I think as was alluded to, we are in the process of formulating an updated policy that would look at all these infrastructure pids and some of our o&m pids. Only pids. We've been in communication with the staff to make sure policies will sink sync up. We've done some work to bring everyone together to talk about the different aspects, from a planning perspective, from an infrastructure perspective -- I apologize for my cold -- and one of the things in housing that we looked at in terms of financial perspective in housing and the idea of affordable housing and where it can be located, but also the -- how it gets -- the costs get covered. Typically, when the city uses general obligation housing bonds to participate in a housing deal, those housing bonds, the debt on all those housing bonds disbursed throughout the entire tax base. In a pid, if there's housing elements included in a pid, and we're still researching how that works, but the pid assessment is confined to the pid boundaries, and so it would be any -- any benefits that the pid assessment is being used to pay for would be borne solely by the residents of the pid.

[5:22:56 PM]

And just to add to Virginia's comment as well about the tax -- the tax base, certainly as on the outside from a financial perspective, especially from our public safety perspective, when we're providing services, residents that -- whether you are on the outer limits of the city, you are oftentimes benefiting from those services as well, from a tax equity perspective, it's another perspective that we look at.

>> Tovo: So, in other words, living right outside the city of Austin boundaries, they may likely benefit from the services that are paid for from -- by taxpayers, yet if they're in a pid rather than annexed, they're not contributing 2014 those.

>> Correct. I mean again, unless as we finish our policy, if the pid was inside the city, they would be paying city taxes as well pid taxes, but if it was outside, whether it was a pid or not a pid, to be quite honest, outside the city limits in unincorporated areas, there's an opportunity for them to benefit from city of Austin services.

>> Mayor Adler: So what I was hoping for in this conversation, we talked about this in the last couple months of last calendar year, was the opportunity not only to get a briefing and a suggestion on a pid policy, but a briefing and suggestion to look at the annexation policy so that we true up the -- the council on the dais so it doesn't feel like we're handling annexation on an ad hoc basis. And I think we've kind of lost that collective direction. And the communications that we got from the applicant in this case, it

appeared as if the only prejudice to delaying this, even if we were to pick up the annexation later this year, was a possible impact of homes being built and sold in this interim period of time, and the applicant said that that would not be happening this year.

[5:24:56 PM]

I think he's represented that to the full -- the full council. And then with that, and because I think it's really important for us to true up our policy, I'd like to have that briefing, too. So my vote to postpone today shouldn't be taken as a vote not to annex, just I think there's stuff we need to do before we get there. Yes, Ms. Alter.

>> Alter: I have a question probably for you. I'm curious. We talked about the revenue coming in. What are the costs that we're expecting to pay as a city, you know, how does that balance out? Because there's a revenue we take in, but there's also a cost that we take on if we -- if it becomes part of the city.

>> So you can assume that as properties are developed and the tax base increases, there will be increased demand for services. Currently the area is undeveloped and value for ag, so there's very low tax revenue, I guess, available. As that property moves out of the ag use, there will be -- there would be roll back taxes that the developer would pay, the difference between what the as a matter of fact is and what the value that they pay their taxes on as an ag property. And then as you have residents that move into the area and streets that are constructed and things that need maintenance, those are all things that city general fund revenues pay for. And our annexation models in the past, we've had the assumptions that go in to equal the expenses that are due. So the city sets its tax rate each year based on what the cost of services and what they need to fund those services. So the same would be true of this area, because there's not a large capital project or nothing expense to the city up front with an undeveloped area. Basically, it's a revenue neutral analysis.

[5:26:59 PM]

>> Greg Guernsey, planning and zoning, I just wanted to clarify the initial infrastructure, water, sewer, streets, curbs, gutters, sidewalks, are paid by the developer. And so the benefit -- another benefit we would get out of this if we were to annex is that the structures that would be built would be built under city of Austin policy. Again, for visibility, but the infrastructure maintenance cost for that first 30-year period would be relatively low because that infrastructure is essentially new. But the city of Austin doesn't pay for the roads, the infrastructure, basically the water, sewer lines, those costs are borne by the developer for that initial construction.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: We've been having this conversation for a while

[5:33:00 PM]

account of what that is. And so I'm in support of the mayor's postponement so that we can really focus in on a more comprehensive annexation policy.

>> Mayor Adler: Is there a motion to postpone this item? Ms. Troxclair moves to postpone. Is there a second? Ms. Houston. Is there any discussion? Those in favor of the postponement, please raise your hand. Those opposed? Mayor pro tem votes no, others voting aye. This matter is postponed. That gets us to just past 5:30.

>> And, mayor, just to clarify, most likely that was an indefinite postponement.

>> Mayor Adler: That's correct.



>> Just to be clear.

>> Mayor Adler: Correct. That gets us to 5:30. We're going to do music and proclamations. We have -- it looks to be about an hour and a half worth of public testimony signed up on the remaining four items, which we still have. What time do we want to come back?

>> Kitchen: Mr. Mayor, I just wanted to -- I'm sorry, you want to get your question answered first.

>> Mayor Adler: I wanted to see what time people wanted to come back. We only have three proclamations, so 5:30, so we could get back maybe 6:45? 6:30? You want to try 6:30?

>> Okay.

>> Mayor Adler: Let's try 6:30. Before we recess, Ms. Kitchen?

>> Kitchen: Before we recess, I just wanted to remind you all that our music today is from the Barton hills choir. And those of you who have gone to the lighting of the Christmas tree have gotten to hear them before, but they're a wonderful group of kids, and so they'll be providing music, and then we'll have a proclamation for them.

[5:35:03 PM]

>> Mayor Adler: With that said, we'll go to music and proclamations and stop this other part of the meeting and we'll be back at 6:45. Thank you.

[5:40:12 PM]

>> Mayor Adler: All right. So we now get to what is always my favorite part of city council meetings. No matter how hard or emotional or tough or slow city council meetings get, and we've started at 10 o'clock this morning, we still have cases to go after -- after dinner. My favorite part is that, religiously, every council meeting at 5:30 we stop for live music because this is the live music capital of the world.

>> Whoo!!

[Applause]

>> Mayor Adler: And I will tell you that more frequently than not, the musicians that show up here at 5:30 are grammy award winners or folks playing in clubs around town. But this is an incredible treat for me and councilmember kitchen, in whose district this school is, and for the council. So joining us today is the Barton hills choir. >>

[Cheers and applause]

>> Mayor Adler: It sounds like y'all have a bunch of groupies out there. The Barton hills choir is led by Barton hills elementary school music teacher Gavin Tabone. This choir is composed of third, fourth, fifth, and sixth grade students from the school and accompanied by professional musicians including guitars don el centro centro, basses Jason, Mr. Boom boom Rick, and drummer Jake, Mr. Bubbles Perryman.

[5:42:26 PM]

>> He's here tonight.

>> Mayor Adler: He's here tonight somewhere. All right. Their repertoire spans golden oldies from the beatles, Elvis, the beach boys. They performed at Austin music festival both weekends in 2013, 2014, 2015, and 2016.

[Cheers and applause] And in 2016, local singing sayings mcea performed with the choir on the Austin kiddy limits stage. They were proud to share the stage with Charlie sexton, in 2016 for a David bowie attribute concert at the Scottish rights theater. The Barton hills choir plays gigs at Texas venues and events like south by southwest. And before we hear the choir sing, I just want to read a proclamation, and then we'll go into the song.

Proclamation: Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music, produced by legends, by our local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim January 26th of the year 2017 as Barton hills elementary school choir day.

[5:44:29 PM]

Congratulations!

[Cheers and applause]

>> Thank you so much for coming. What a crowd!

[♪ Singing ♪]

[5:47:44 PM]

[Cheers and applause]

[Cheers and applause]

>> Mayor Adler: You guys were great! Thank you so much for bringing that to us. Let me introduce your councilmember, councilmember kitchen.

[Applause]

>> Kitchen: And because you guys are so great, you actually get two proclamations today, one for your music and just one for being all around great organization and great group. So I'm going to read a few things that we didn't say before because you guys have such a long list of accomplishments. So I wanted to point this out, that whereas the Barton hills choir's repertoire includes oldies from Elvis -- from Elvis, way before you guys were born -- the beatles, and the grateful dead, to Broadway musicals like Mary pop pins, to current bands like the flaming lips and foo foo fighters, so you guys have quite a range. I think we mentioned some of this before but I think it's worth mentioning again, the Barton hills choir has been a regularly performer at the spectacularly popular Austin estimates music festival and accompanied pink Floyd's Roger waters in 2012 when he performed the wall at the frank Erwin center. That's really incredible. As well --

[applause] As well as the performance with Charlie sexton for a David bowie tribute concert at the Scottish right theater. The other thing really important here, the Austin chronicle recently recognized the Barnes choir as part of their best of Austin list as best elementary school elective.

[5:49:53 PM]

So --

[cheers and applause] So along with the mayor, we declare today as Barton hills elementary school choir appreciation day. So thank you all so much for coming down and sharing with us.

>> Thank you!

[Cheers and applause]

>> [Off mic]

[5:52:29 PM]

>> Thank you, parents. I love you. Thank you so much. Your kiddos will meet you out in the atrium.

>> Mayor Adler: Take as long as you want.

>> Okay.

>> Mayor Adler: I'm going to urge -- I want to urge everybody to move on out.

[5:54:44 PM]

All right. We're going to go ahead and have the next proclamation. This proclamation, be it known that whereas kmfa classical 89.5 is celebrating its fiftieth anniversary of broadcasting the world's great classical music to listeners throughout Austin and central Texas, and whereas kmfa classical 89.5 is an independent listener-supported, classical radio service, beloved and sustained by generations of Austin music lovers, young and old alike, and whereas kmfa classical 89.5 brings the sounds of Austin's classical music community -- sounds of Austin's classical music community to more than 100,000 listeners each week, not only central Texas but throughout the world via online streaming, and has received national recognition for its innovative stewardship and marketing initiatives for classical music radio, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim January 29th of the year 2017 as kmfa day. Congratulations, and I want to bring up Steve Moore, who is vice chair of the kmfa board to a few words. Congratulations.

>> Thank you so much, mayor.

>> Mayor Adler: Absolutely.

>> Beautiful, beautiful proclamation, and very well -- very much appreciated. Our listeners say this better than I could make this up, so I'm going to read two testimonials we received unsolicited from some of our fine listeners.

[5:56:45 PM]

First local. I think this is the local experience. When my husband and I moved to Austin in December 1989, the first thing we did was to check the radio stations on our car, as we approached the Austin city limits sign. We quickly found kmfa and have kept our radio tuned to 89.5 ever since. We wake up to kmfa, go to sleep to kmfa, and most days we do our chores to kmfa. Thank you, to everyone at kmfa for enriching our lives. That's the local aspect. Our focus is local but our reach is starting to be worldwide. I'm a retired professor of geology at oxford, nearing the end of my research visit at the Jackson school of geoscience at UT Austin. Kmfa has been my principal radio friend in Austin. May I congratulate the station on the splendidly eclectic range of music played, instructive commentaries, interviews, and background information presented by enthusiastic and knowledgeable hosts. You are compelling listening and quite simply by far the best classical music station of my experience. You have profoundly enhanced my stay in Austin. Thank you. And so that's while he's here, but just as an example, we have listeners everywhere, and the people in the big apple know us too.

So this listener says: Thanks from New York City. I listen to you guys every day at work and your play lists are great.

>> Mayor Adler: Congratulations. Thank you.

>> Thank you. I'm Ann Wilson, the president and general manager of kmfa. We're here because the city of Austin wants us to be here and has supported us for 50 years. And we want to say thank you by inviting everyone to attend kmfa's fiftieth birthday party this Sunday, January 29th, from noon to 4:00 P.M.

[5:58:48 PM]

It'll be at fair market on east 5th street. There will be live classical music by graham Reynolds, Austin chamber music center, mother falcon, and the chorus Austin youth choir, family friendly, different take

on a classical music party, including a participatory performance of the William tell overture. Mayor Adler, I wanted to present you with your very own kmfa kazoo. And I hope you join us Sunday in that loan ranger theme song.

>> Mayor Adler: I will be with you on Sunday. Kmfa is an institution in this I ask and thank you guys for everything you do.

>> Good evening, I'm mayor pro tem Kathie tovo, I represent city council district 9 and it's my honor to present the following proclamation to Ellen Richards, who is the chief strategy office for integral care. Integral care has been serving our community for 50 years, today we recognize integral care with the following proclamation. Be it nope that whereas for the past 50 years, Austin, Travis county, mhmr the integral care has provided services and support to improve the lives of people affected by mental health, substance abuse disorder and developmental or intellectual challenges, providing a wide range of services including 24/7 crisis response, integrated clinical services, residential treatment, housing and recovery supports.

[6:01:13 PM]

And whereas integral care was launched in one building on red river street, but today a staff of more than 800 provides direct services to tens of thousands of individuals in our community each year. Working in more than 50 locations, and through mobile teams, and whereas to celebrate its 50th anniversary, integral care has simplified its name and updated its logo in order to improve access to information and care. Now therefore I Kathie tovo on behalf of mayor Steve Adler of the city of Austin, Texas do hereby proclaim January 26th, 2017 as integral care 50th anniversary day in Austin, Texas. Congratulations.

[Applause] And I would like to invite Ellen Richards to say a few words.

>> Thank you so much, mayor pro tem. It's an honor for us to serve the community of Austin and Travis county. For 50 years. And this is a great place to be where people are -- care about each other and want to make sure people have access to good services and we appreciate the ongoing support that we receive from the city of Austin and the city council for the work that we do. It makes a difference and changes people's lives for the better. Thank you so much.

[6:03:26 PM]

Okay.

[6:36:39 PM]

His

[6:47:17 PM]

>> All right, we have a quorum, it's 6:47. We are back. We have three cases, three others to consider. Let's go ahead and call number 79. Is that right? No, 80. No? We have four left. Let's do 46. Let's call 46. 46 is yours, mayor pro tem? Do we have people here to speak on 46, speakers? David king, do you want to come talk to us. You want to come speak on 46. Terry O'Connell, is Terri O'Connell here? Is -- is Alison Mcgee here? We'll give folks a chance to come back in. Mr. King?

>> Thank you very much. All right. Thank you, mayor, mayor pro tem, councilmembers. My name is David king. I live in the zilker neighborhood and this item is very important to me. And -- and, you know,

basically it to me it levels the playing field, if you will, when it comes to properties that the -- that the historic -- historic preservation officer has said qualifies for historic zoning, meets all of the criteria.

[6:49:20 PM]

And then even if a majority of the landmark commission agrees with that, that's still not good enough, on the property -- where the property owner objects to that zoning. It requires a two-thirds vote. That means that we have to have -- you know, two -- just two-thirds of the members are there, then it requires every vote. Every one there to vote for that. To me that's an unfair hurdle. Really, what it does, is it -- it makes it easier to demolish than it does to preserve. And the universe of these cases is just those again that have been determined to qualify for historic landmark status. And the property owner objects. It's not all of the cases. It's just those. So this is not going to be a major impact on these historic landmark cases, but it is going to be an important impact. And as you already know, the Montopolis school was caught in this issue, in this problem. And -- and it can be demolished. So -- so I don't think that's what we intend to happen. And I don't think saying wait until we get the commission members, you know, the new members seated, that that's going to solve the problem. This can happen again down the road. You know, I lost, we lost a stinger home for this same problem in my neighborhood. This is not just affecting, you know, one or two neighborhoods, this affects every neighborhood, this issue. It is an important issue, all that we're asking is that we have equity. Why incentivize demolition of those houses that have been determined to qualify for historic landmark status?

[6:51:22 PM]

Why, our community values those and it meets that hurdle. But yet that's not good enough. So I -- I think this is a good thing to do and I'm very happy that -- that mayor pro tem tovo brought this forward. I hope that you will all support this tonight. You know this issue of preserving older homes is not just historic in my opinion, it's also the character of the neighborhood, it's also about housing that is affordable, too, in our neighborhoods. I know that's not just a major criteria, but it's still important to consider that, too. So, you know, we have enough problems already demolishing houses N [ buzzer sounding] So I hope that you will vote for this and support this, thank you very much.

>> Mayor Adler: Mr. King, before you go down, I -- I share a concern. It takes a two-thirds vote, there are only two-thirds people there and you need everybody to do it. Or even worse you don't have quite two-thirds there and everybody votes for it and it's not enough to make it happen. It could be when this comes up I may join with the mayor pro tem to, you know, you know -- at the same time expressing my reservations about actually voting for that cure. Because it seems to me that it -- that the problem may be as you describe kind of an attendance problem. We don't have people showing up and we shouldn't have the body this that position. So my understanding is that there's a way for us to try to resolve this issue the same way board of adjustments work. Where board of adjustments has four alternates. When they don't have a quorum, the chair can just bring up the alternates so they always have a full complement to have a super majority that they need for certain variances and we could do that in a much -- we could do that much more quickly than it takes to initiate this kind of land development code ordinance which has to go to the committee and then to the planning commission and then back to council.

[6:53:33 PM]

So it may be that -- that next week or the week after I try to come back to the council with something kind of tracks what the board of adjustments does with the alternates so that we can make sure that

body when it meets only has to get two third of the full amount. And that they're all -- that there are 11 people seated for them to be able to do that. You've been on a lot of boards. Does that work in the board of adjustments?

>> Well, you know, I'm not sure about how often that's used on the board of adjustments, that strategy. I understand what you are saying, mayor, but, you know, I'm still concerned that even if we did that, you know, then there could still be situations where several people on the board are just ignored, ignore the qualification of that property for historic landmark status, just ignore that and still, you know, vote against it just because of their principle that they are against historic zoning, period. That can happen again. This is not going to solve that problem. You know, the other thing, too, mayor these things can be appealed to the council. The council can come in and address this, these particular cases, you know. If it were to pass over the objection on a simple majority of the property owner, could still come to the council, you could still have your decision on that. You know, the other thing is that time, these things are on a time clock. And if we have any delays, again we lost another ad stinger home in my neighborhood because the time ran out. When the clock runs out, they get the demolition permit. So we have several issues that come into play here, mayor, that I'm concerned that even that adding additional folks it can come in on a temporary basis will not solve the problems. This solution would solve the problem.

>> Mayor Adler: Okay. Thank you. Terri O'Connell. Alison McGee is on deck, up next.

[6:55:35 PM]

>> Good evening, councilmembers. My name is Terri O'Connell, I'm a former president of preservation Austin. Active in my local neighborhood association. Was on the landmark commission for a few years, served on the historic landmark task force and have been an architect in preservation for 32 years in Austin. The two-thirds vote requirement at historic landmark commission has resulted in many unnecessary delays and postponements over time. We have lost or about to lose several properties that meet landmark criteria, including the four unit 1930s apartment building on palmer plaza and the historic montopolis school. On top of that, there are properties that have failed to get a two-thirds vote at the landmark commission that were identified as individually significant in the recently completed historic resource survey of east Austin that was prepared by professionals and -- and approved by the city of Austin and, yet, you did not get to see a property that was recommended for individual designation in that plan because it didn't meet the two-thirds vote requirement. Once these resources are gone, as I'm sure you've heard a million times before, they're gone forever. So taking precaution to preserve whatever we can to make sure that you have a chance to see the historic resources, that the majority of the landmark commission consider meet the landmark designation criteria, you should have that opportunity if the majority of the landmark commissioners and the staff recommend designation, I strongly feel that you should have the right to see what's being considered before they're gone forever. Thank you very much.

>> Mayor Adler: Thank you. Alison McGee?

>> She had to go home.

>> Kate singleton? Emily Payne up next.

>> Emily is at home.

>> Okay.

>> I'm Kate singleton, I'm the executive director for preservation Austin.

[6:57:39 PM]

I'm also former historic preservation officer for the city of Fort Worth and also for Dallas. Not at the same time, by the way. No other city has this type of requirement -- voting visual impairment for their landmark commissions. It is not what we consider a best practice in historic preservation. And I've worked in preservation 38 years. And we don't see this in my field as being a best practice. These programs that don't have this provision still work efficiently and effectively. Such a provision -- such a provision, like I say, is just really not a best practice in the field of preservation. And it is important to note, as has -- just been said, that the hlc is recommending body to you to just like the plan commission and just like zap, neither one of those has that two-thirds majority rule in their ordinances. One of the -- and dis-- in disputed cases, you all should be able to have the final word. It should come to you because you are the last word when it comes to zoning cases. That's your authority. And finally, just a little bit of a note, you know, with the completion of the city-wide survey, with the development of a preservation plan and with training for your landmark commission, this program would be run efficiently and effectively and fairly. So that's something else to think about. And Mr. Mayor, if you have questions about the alternative members of the landmark commission, we have that in Dallas. And we had alternate members, but we also, one thing that I want you to know is that ordinance did not require a two-thirds vote and it worked really well. We never had -- things were not postponed, they did not get pushed off. They were -- everything was done very efficiently and we usually got cases through on the first reading and the first agenda.

[6:59:44 PM]

If you have any questions, I would be happy to answer them. Thank you.

>> Mayor Adler: Thank

>> Mayor adler:glen Coleman? Andre [indiscernible] Is next.

>> Glen Coleman on behalf of the homebuilders association. Thank you for your service. I don't know how y'all do it. I never have. Two things essentially. You know, number 1 is the timing. I think this is maybe not the best time to pass this particular item. You've got -- first of all, you have an audit. I don't know why this hasn't been on the monitor but you've got a monitor coming out of the entire program in the historic landmark commission office probably by the end of February so we urge you not to make any deep structural changes to -- deep structural changes to the bylaws until all of us have had time to look at that information and absorb it. You've got two new commissioners coming on and that should change hopefully many things at the historic landmark commission but from a user experience and from the experience our friends in preservation Austin are having, let that play out, see how that goes. Also I don't know there are other ideas like alternates. You could change the odds without changing the rules. I think that's a fantastic idea to simply solve the problem of absences by allowing other people to step in and fill those gaps. It helps us too. Our members have to appear in front of these boards and we want the decisions to be fair. I want to say that again. It helps us if -- it helps us if there's a sense of legitimacy about a vote the commission took and we don't hear later there were absences or something like that. We support the landmark commission, I certainly do since 2008, support the commission and its office have made recommendations both for historic and against at different times in my career depending on the nature of the structure so we would urge you to keep that. Finally to be brief this idea of a super majority be it 2/3 or 3/4 is enshrined in many places in successful democracies and I think it's a terrible time speaking as someone from the blue dot in the red pie I think this is a terrible time to start signaling anybody at the state or federal level that we as a city are willing to weaken anything, be it purely, be it rules of order or by it bylaws that weaken the power of a minority to hang on to the few rights that we have left.

[7:02:10 PM]

I think it's bad time right now with the legislature in session to say that, yeah we said we wanted to expand ballot petition rights and talking about M.U.D.S and P.U.D.S but now we've changed our time. Terrible timing on that. We would ask respectfully you delay this and maybe give yourselves time to look at alternatives like alternates or any other ideas the council might have. Thank you so much for your time and for your service.

>> Mayor Adler: Thank you. Yes, mayor pro tem.

>> Tovo: Mayor, I just feel the need to clarify to anybody who is here tonight to talk to this issue. The resolution before you by no means removes a property owner's right to exercise a valid petition and have that apply at council. That's the same right they would have for any other kind of rezoning and it would still stay in place with this. It would simply remove the higher level that is currently required at the historic landmark commission. Mr. Coleman in your letter that you sent to us you said it seems highly illogical -- since the valid petition rights of a homeowner would be in effect once a case is at council, it seems highly illogical these standards would not be reflected by a council-appointed land use board. I would simply point out we have other council land use boards and valid petitions are not in effect when those cases go through those boards. That would be our zoning and platting commission and planning commission, those are our council appointed boards. A case have a valid petition moves through those boards without any impact. The only time that valid petition kicks in is on third reading at city council and this would simply remove an inconsistency that exists right now. In fact since I'm talking about it I'll mention pleasant hill there was a zoning case on pleasant hill that was exactly that circumstance and I can find the details if anybody is interested but it actually received a vote -- it had a valid petition in place by the time it went through land use commission, it came to council where the valid petition was in force on third reading I'm pretty sure and passed.

[7:04:23 PM]

So, again, you know, that's -- we would be making it consistent with that process.

>> Mayor Adler: Thank you. Andre [indiscernible]. Mary sled. Scott marks.

>> Thank you, mayor, council. I first moved to Austin in '91 and I remember -- moved here for school and I remember thinking, you know, this town is pretty cool. It's affordable, there's a lot of history. It's kind of diverse. We had hippies and cowboys in the early '90s and, you know, you fast forward 25 years and it's a lot less affordable, it's a lot less diverse, and there's a lot less history. And so I want to give you three reasons why I think you really should pass this resolution tonight. The first is this is just an advisory commission. I heard talk of the board of adjustments. Well, the board of adjustments has zoning power. So they can only be reviewed by judicial review after they Macarthur variance decision. This is very different. This is just simply giving you the advice of some very talented volunteers. I've been before this commission many times. You've got some great people on the landmark commission. I know they've gotten meet up a lot in the press but there's some very good ones. Why would you want to listen to two or three of them instead of the majority, right? By letting this advisory commission work based on a small minority you're losing the advice of the majority of that commission, and I think that's a mistake. The second is I brought my copy of the death and life of great American cities. Hopefully a few of you have this on your desk too, dog eared copy.

[7:06:25 PM]

You know, this is the most influential work on urban planning according to the cover, and there's a whole section on conditions for diversity in a city. If you want diversity and condition number 3 is, the need for aged buildings. A district must minimal buildings that vary in age and condition including a good



proportion of old ones. Jane Jacobs in the death and life of great American cities talks about that creatives diversity. She was writing this from an old building and couldn't afford new construction. We see that in our neighborhood. People can afford to live in older buildings, we have creative folks, we have racial minorities, we have low-income people living in older buildings who just cannot afford to live in new construction. Finally my third reason is simply where I began, if we drive through our neighborhoods, walk, bike through our neighborhoods, I'm struck less by the history that I see now than by the demolition. And if you want to be a great city, if you want to be a New Orleans, a Chicago, if you want to be a cities that a unique city, not like, you know, any other city in America, you really need to preserve that history and the way to do that I believe is by adopting a resolution like this. Listen to the majority of your commissioners.

>> Mayor Adler: Thank you. Those are all the speakers we have. We're back up to the dais. Mayor pro tem, do you want to make a motion?

>> Tovo: I do. I move approval of the resolution in our backup. I'm gonna make one change. I had a typo. And that is in the -- the third whereas from the bit resolved clause, where it says this requirement has resulted in numerous failures to initiative, it would really be more precise to say to recommend, many of these cases were initiated but not recommended. It is a two-step process at the landmark commission, so that should read whereas this requirement has resulted in numerous failures to recommend historic designation, we had an opportunity to talk -- anyway, that's my motion I'd be glad to speak to it if I get a second.

[7:08:37 PM]

>> Mayor Adler: Item 46 has been moved by the mayor pro tem, secked by Ms. Pool. Mayor pro tem, you want to speak to it?

>> Tovo: Sure. I may have more to say if people have questions but, you know, it strikes me that this is really a critical -- a critical need as -- with regard to this area of our code. I think the board should be consistent as the speakers have really articulated. We ought to have the ability to review the cases that the landmark commission, a majority of the landmark commission, has indicated meets the criteria. And it really isn't -- I believe it is not a situational issue. There were some situational circumstances that made it really apparent that this was a problem, but it is -- it is an inconsistence and a gap that I believe needs to be addressed going forward. We've spent -- my staff, Shannon on my staff spent hours and hours going through minutes, records, testimony, trying to compare -- try to develop a complete and expensive sense of what's happened over the last year or so and it's a little challenging, there's minutes missing and in each case it's a little different but it is clear that it looks like from the data in the last six months there was only one instance where the landmark commission's recommendation differed from our staff, our preservation officer. So they're often in alignment. It doesn't appear that this would be a flood of cases coming to us, but there have been some really notable examples and I'd be happy to show you a couple pictures of two I'd like to highlight here tonight, where the majority of the landmark commission believed that it met the criteria -- felt strongly that it met the criteria. Our staff felt strongly that it met the criteria. There were community members who rallied in support of landmark designation and but for the votes of one or two members, they did not -- they did not move on beyond the landmark commission and they received a demolition permit, and that is, you know, in my opinion, a real failing of our process.

[7:10:41 PM]

We have -- you know, our city is changing and growing, and as we do that we really need to preserve some of sacred spaces in our city and some of the buildings that tell the story of the many people who

have lived here in the last hundred or so years. And so these are visible reminders of our history, and it changes our neighborhoods dramatically. Our last speaker Mr. Marks I think really captured it. There are parts of my district I go by and I am not struck anymore by the character of the houses but really by the number of demolitions, the number of vacant lots. It is becoming really an epidemic throughout our central city, and I don't why she I don't think we have a responsibility to really look at ways, again, to make sure that in those cases, where they are excellent examples of structures that we should be considering for our landmark program they have an opportunity to get here to us for our review. And in a minute I'm gonna show a couple pictures if they pop up but I'm happy to let anybody else ask questions or speak.

>> Mayor Adler: Can we see your pictures?

>> Tovo: [Off mic]

>> Mayor Adler: Does anybody want to talk? Ms. Alter?

>> Alter: So I just want to clarify the process, make sure maybe councilmember tovo can confirm for me that I'm understanding correctly. So we're talking about situations where our staff has recommended historic zoning, the majority of the landmark commission right now is voting to uphold that historic zoning, but because they don't reach the two-thirds majority the houses are getting demolished and we as a council don't get to have a vote on that? If we changed it to the majority rule in the landmark commission and the property owner still objects to that, it comes to council, their objection counts as valid petition, and then we have to approve historic zoning at a three quarters level?

[7:12:59 PM]

So the property owner's property rights are still protected. We get to have a say on this. So as far as I can tell, the only downside is whether we get too many cases coming to council. In which case there are other remedies for that or we could go back to the system, in my -- I mean, from the property owner standpoint they're protected. I mean, am I understanding the decision here correctly?

>> Tovo: Absolutely. In some cases because there are sometimes postponements as you heard at the landmark commission it may even hit our agenda, you know, in good time. For the property owner. But absolutely the valid petition would kick in at council and they would have an opportunity to exercise that and -- for a super majority of council before it was land marked for demolition.

>> Alter: The other thing I wanted to clarify there are no other boards or commissions that require two-thirds vote on anything, to do anything, and none of the zoning commissions have to have a two-thirds vote even if there's a valid petition? Is that correct?

>> Tovo: That's my understanding and I would welcome Mr. Guernsey to just verify that, but, yes, that's my understanding.

>> Greg Guernsey, director of planning and zoning. For the boards that would initiative a zoning -- initiate a zoning case, only the landmark commission has a threshold of two-thirds. If your planning commission wanted to initiate a zoning change on a property or the city council wanted to initiate a zoning change on a property which both the council and the commission have the opportunity to do that, only a simple majority is required. But in the end, the property owner's right is preserved and it would require three quarters of a vote to do final reading. The board of adjustments does not have the power to initiate a zoning change request, unlike the landmark commission, the planning commission, or council.

[7:15:03 PM]

So. . .

>> Pool: Mayor, real quick.

>> Mayor Adler: Just real quick correction. Just to make sure. I don't think that the -- the proposal for the mayor pro tem requires the staff to let me, does it? It just -- what if the staff doesn't recommend it and a majority of the landmark commission still proceeds?

>> Tovo: It would, as I mentioned they're almost always in alignment.

>> Mayor Adler: No, no I'm just saying in case somebody was listening to the record.

>> Tovo: Right.

>> Mayor Adler: Ms. Pool.

>> Pool: I just wanted to make sure I heard right. Did you say a three quarters vote or two-thirds.

>> Three quarters vote of council is required to override -- it's a higher threshold, only that arrives at third reading of the city council.

>> Pool: Thanks.

>> Mayor Adler: Any further discussion? Ms. Troxclair?

>> Troxclair: Can we hear from the speaker about this particular house?

>> Yes, councilmember, that was in fact my case, and I'm glad you chose this house. This house was uninhabited. This house was an San Bernard, owned by an elderly African-American woman who is trying to secure her inheritance from her father. It is proposed for demolition by a group of wealthy Ang blows who had recently immigrated and built their own fantastic houses across the street and they tried to place historic zoning on this house. If your commission cannot function well enough the pleasure of having to hear this case at 4:00 A.M. Then there's no point in having them. That's, you know -- I mean, this is the most perfect poster child for the way our commission should function that I can possibly think of. I mean, there's absolutely no way that staff should have recommended -- staff admitted to me they had had a call from a councilmember about this house and that they felt pressured did it.

[7:17:11 PM]

This is a poster child of the way your boards and commissions should function to keep you from having to hear cases like this. So I think if this failed but any measure, then the commission is in fact serving its purpose. Thank you. Did that answer your question, councilmember.

>> Troxclair: Yes, so staff recommended demolition and the board --

>> This house passed -- and the majority of your hlc recommended it. However, there was one absence that night and they weren't able to obtain the two-thirds majority. Thank you.

>> Tovo: Mayor, if I can show the other photos as well, I think there's two more and I'd look at my notes but I'd ask you to chime in on these three as well. This is the montopolis school, I think there's certainly been enough press about this one that I hope my colleagues have read about it. This was to -- the case that came before the commission was to demolish a 1935 former school for African-American children. It was -- staff recommended initiation, and they considered both the recommendation of initiation and the recommendation on the same evening. It was -- it failed to move forward because it received one vote against. It received seven votes in favor, a staff recommendation, and one vote against. If I could see the next -- the next is -- was also a subject in the newspaper recently. This is the cherico-franzetti house. This too when it came time to consider whether or not to recommend it to us for historic landmark zig magazine it failed 7-2-one and -- help me out. I apologize for butchering his last name, vote to go abstain from it.

[7:19:16 PM]

This was -- this was a house and a store that was associate zero with a family that established a grocery, anyway, I would welcome our historic preservation officer to comment more on these but these are the kinds of structures that are not even getting a hearing at the planning commission and council because

they didn't receive support at the landmark commission. They're not moving forward in the process. Mr. Sadowski, do you want to offer any words on any of the things we've discussed?

>> Mayor Adler: Do you know what the vote was on the first one, mayor pro tem?

>> Tovo: I'm looking that up. I had it all together this morning but it's sort of dissolved throughout the day. I'm looking for it now. Mr. Sadowski may remember.

>> Sure. Steve Sadowski, historic preservation officer, planning and zoning department. If we can go back to the first one, please. San Bernard street. This did have a staff recommendation for historic zoning. Mr. Coleman, I think maybe misrepresented or misremembered the thing here because he was the one who said that he had a call from a councilmember. There was -- staff recommended this one for historic designation. It, like all the others that we've had here, are hundred-plus year old houses with significant history in traditionally minority neighborhoods. We can go to the next one, please?

>> Tovo: And I believe that was a six -- I just found information. I believe that was a 6-1 vote to recommend.

>> That's correct. And all of these failed because they did not have the requisite eight votes to move forward. This is the Montopolis Negro school, very possibly the last segregated school in Travis county, extremely important in the history and the context of African-American education in Austin and Travis county.

[7:21:20 PM]

This building was moved in in 1935 from Camp Swift in Bastrop county and used as a segregated school until 1962 when it was incorporated into the Austin school district and eventually shut down during a process of desegregation. The last one, please. And this house is actually 1403 East Sixth but this is an 1890 house, wonderful example of folk Victorian style, wing and gable, completely intact, house has a long history, the families were both very prominent Italian grocers, prominent in the development of East Austin. After they moved out of the house in the 1920s, the Ariagas moved in so the history of this particular block and actually all of East Austin is encapsulated under this house from the 1890s all the way through the 1970s, when this neighborhood transformed from an Anglo neighborhood and mostly an immigrant neighborhood into a primarily Hispanic neighborhood. And this house represented that history probably to a greater extent than any other building left in East Austin. So all of these -- all three of these houses had staff recommendation for preservation, had a majority of the commission recommending preservation but because of the super majority requirement they failed to move forward. So that's -- that is where we stand right now.

>> Tovo: And that's got demolition permits.

>> Pardon?

>> Tovo: When they failed to move forward they received demolition permits or could in the -- I think this one is still pending.

>> This one is still pending. The thing to understand, too, is if the commission does not recommend historic designation for a property within 75 days we are obligated under the code to release the demolition permit.

[7:23:32 PM]

>> Mayor Adler: Okay. Thank you. Colleagues, I would just note that on these three cases, for the 6-1 vote, 7-1 vote, 7-2-1 vote it seems to me that the attendance at the meetings is something that we need to fix. And something that we need to fix probably regardless of whether we went -- kept the super majority or didn't keep the super majority so I'll come back with that because I think on this kind of board it's real important to have that vote and -- almost as an independent matter and it's something

we could implement much more quickly then we'll be able to change the super majority vote. Ms. Houston?

>> Houston: I was gonna ask Mr. Sadowski, how much does it cost to initiate historic zoning on a house?

>> For -- if somebody comes in and asks for historic zoning? The fees are right around a thousand dollars. That includes the notification fee. That's the biggest part of that. To send out the notice of the public hearing, put up the sign. That accounts for about 650 of it.

>> Houston: So and the reason that I ask that question is that when you look at the number of historic houses or historic districts in the east side of Austin, there are few people that can pay a thousand dollars to do an individual zoning. I don't know how much the housework district is. I don't know preservation Austin does help people get all their documentation. It's an onerous process, and I've watched how the commission berates people and demeans them and I've been very concerned about what staff or councilmembers can do to modify that behavior.

[7:25:48 PM]

Because why would you come up and do all that work -- and it takes a lot of work. I watched Allridge place and it was horrible. I felt sorry for everybody that's been working on that for many, many years. It's an attendance problem. It's who is on the commission and do they understand preservation and not just Ang below preservation but cultural aspects of preservation so I think it's a lot of things going on there. I mean, we're still waiting to here what we're gonna do with rosewood courts that most people would say, based on all the information is a historic district and certainly the buildings are historic but we're still working through that process, trying to get that resolved. So there's a lot of things going on that I think are barriers to people coming forward in my community to get historic preservation, landmark commission's blessing on individuals' houses, as well as on historic districts in our neighborhood. It's just -- it's onerous. That's the only word I can think of.

>> Councilmember, I agree with you. As I told y'all in the past, we're committed to working with folks on the east side one of the main things that we recommended was the development of the survey. Of the east side for this very reason. To provide the basic information that people can use to move forward with historic landmark designations and -- with the new councilmembers appointed and hopefully some quick appointments to the landmark commission -- yes, I'm looking at you -- then my plan is to organize round tables with our commissioners and also, I guess, reset our operations committee to look seriously at our historic district nomination process, to make it less onerous.

[7:28:03 PM]

As I've told new the past, many, many times, the city through our own initiate sponsors landmark designation for African-American properties and hispanic American properties on -- for black history month, where we waive the fees. The city becomes the sponsor and the nominator of that. So we've been able to add significantly to our roster of landmarks that represent African-American and hispanic-american history in Austin, so it's not -- we're trying to transform it from the old guise of west Austin and great white men to being much more inclusive. We've been pretty successful over the last couple years in doing that through our sponsorship and the last one that we did was on east 11th street and it's a house that has a long history with the African-American community and we sponsored that application?

>> Mayor Adler: Further comment? Ms. Troxclair.

>> Troxclair: How -- so it's a thousand dollars if property owner applies -- wants historic designation. Is there a fee associated if the property owner doesn't want it and it's brought by somebody else?

>> Well, it actually ends up being about the same. If they file for a demolition permit --

>> Troxclair: Right, yeah.

>> That's the way they indicate they don't want historic zoning for the property. They file the application for demolition. So there's the application fees. Then it would -- if it goes to the landmark commission, which generally it's going to, then the notification fees that I was talking about earlier and the sign fees totaling about \$650 would also be added in to that.

[7:30:11 PM]

>> Troxclair: And what does -- councilmember Houston, what -- I haven't had the opportunity to watch the meetings Luke you have. What did you mean by saying it was horrible? I'm just not sure what the dynamic is that --

>> Mayor Adler: What did you mean by what? You broke up for a second.

>> Troxclair: It's okay. I'll ask her later.

>> Were you saying that lowering fees might be the way to -- were you saying that lowering fees might be a better way to increase historic preservation, that people can't afford to pay the thousand dollars so instead of making changes this way another option would be to lower fees so more people were able to apply?

>> Houston: I think it's that and all the other things we've talked about. I think if I heard you correctly, you asked what did I mean by the commission being horrible?

>> Troxclair: Mm-hmm --

>> [Off mic]

>> Houston: No, no. It's both of those things. We need to lower the number of votes you need to get it done. Fees need to be looked at. There's certain times a year when they do assist low-income families in minority neighborhoods do that. There was a rush about five years ago, I think, somebody in west Austin was going through just every house was historic. I mean, they had it down pat. Well, it's very difficult paper-wise, the documentation, there's a lot of things that have to be done in order to get that designation. It's architectural but it's also culturally sensitive to those communities where you find these homes. And then of course the -- some of the landmark commissioners have rude to people and discount it even though they've got documents to back it up.

[7:32:15 PM]

I'm saying perhaps we need to lower the threshold, make sure we have alternates, and also we have new people being placed on the landmark commission.

>> Renteria: Mayor.

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I just want to clarify that. Even though it's zoned historic, the house it, it still can be moved to another location. Is that correct?

>> Historic zoning, councilmember, protects the house against demolition. It would require a certificate of appropriateness and the removal of historic zoning for a house to be demolished once it's designated.

>> Renteria: How much is something like that, just city fees?

>> It would be exactly the same, around a thousand. Councilmember Renteria, the thing is once a house is designated historic, that is evidence that not just staff, not just the various commissions, but this council also believes the house has or the building has extraordinary significance and it's important, very important, to maintain that building to be able to tell our history.

>> Renteria: Yeah but --

>> We have not ever had a situation where somebody has tried to remove historic zoning.

>> Renteria: Not remove it, but move the building itself. I mean, we just went through a case over in tovo's district where they moved a house to another location.

>> Moving is a possibility. It would require -- if the case was pending, then it still would require a certificate of appropriateness. But we've had a couple of cases where buildings have been moved to preserve them.

>> Renteria: So they don't have any restriction in not being able to move it, they just have to protect the house.

>> Right. I think, too, if I can add very quickly, I don't want y'all to get sidelined with what it costs to initiate a historic zoning case.

[7:34:15 PM]

Because the cases that we're seeing, these case that's the mayor pro tem has brought forward, is for demolition. These people have no intention of having historic zoning so modifying the fees or anything like that would not have helped in any of these cases that the mayor pro tem brought forward.

>> Flannigan: Please help me understand how the process works. I just want to be clear. If the property owner wants the historic zoning, only simple majority is required?

>> That's correct.

>> Flannigan: So if the property owner doesn't want the historic zoning two-thirds is required?

>> Correct.

>> Flannigan: And if you get the two-thirds, three quarters of us?

>> Yes.

>> Flannigan: Okay. How many cases typically -- because I have not watched this commission before. How many cases are we talking about? Is it a very busy commission? Like what is the volume?

>> It is a very busy commission. We usually in an average month running 20 to 30 demolition permits a month.

>> Flannigan: Wow.

>> Now we're not recommending all those for historic zoning but those are the ones as staff we present to the landmark commission for their review. And in the majority, vast majority of cases, we're recommending release of the permit. Usually with a documentation package, which means that they have to photograph --

>> Flannigan: Releasing means allowing the demolition? Just want to make sure of the terminology.

>> But giving the landmark commission an opportunity to review it before the demolition permit is released.

>> Flannigan: 20 to 30 cases a month are hitting the landmark commission.

>> Yes, demolitions. Then there's all the other ones too.

>> Flannigan: What are the other ones.

>> Certificates of appropriateness on historic landmarks.

>> Flannigan: It's a very busy commission.

>> Yes.

>> Flannigan: I'm very hesitant to support changing rules on commissions when I do get the sense that the makeup of the commission has been a point of contention and that is about to change.

[7:36:29 PM]

I'm not opposed to revisiting this personally. I'm also concerned about some comments I heard today that historic Rand mark was a -- landmark was a land use tool and if historic landmark is a land use tool - there's words used similar that I've heard about codenext and if historic landmark is really about identifying properties or building historic value, which is what it's supposed to be, that's phenomenal. I got the sense that some folks are treating it as a way to prevent development at large and I think on the

eve of codenext that also makes me nervous, but more so than anything, there's some new commissioners coming. I think that addresses most of the substantive issues in terms of specific cases, maybe not the overall policy question, and I recognize that, mayor pro tem. So I'm inclined to not support this motion precisely because I think with new commissioners coming on board it might change the makeup and the nature of our ability to appropriately identify and protect historic homes and properties.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I appreciate -- I appreciate the new commissioners coming. But let me say, I think that we shouldn't -- there will be -- there will be absences. I mean, once we went to an 11 person council and all of the commissions increased, there started to be absences on our -- I mean, it is true that there are absences on our boards and commissions. That's a lot of people to get there on the same day. The consequences haven't been as dramatic on our other commissions because they don't -- they're not subject to this kind of rule. And I really think it's incumbent on us not to have processes in place where one or two people can halt a decision and that is what we have on the landmark commission. So, you know, I just think in terms of how we think about how we want decisions to be made, we should never be putting that much power in the hands of one or two people.

[7:38:38 PM]

And let me say, you know, as I've been apprised, I've watched some of the videos and I've read some of the transcripts that my staff have provided. I mean, I think there is a real opportunity for training here. Even with some of the commissioners who are staying on. You have -- you know, we talked earlier in the day about what the role of council is in making decisions about each other's board appointees and it is really critical that as a council we appoint people to the boards who really can support the mission of those commissions. We have commissioners talking about making comments from the dais like it's illegal to rezone a person's property. Well, that's not true. We have had commissioners on this landmark commission making other comments that are really -- like, you know, vote -- zoning something historic is gonna prevent density in that area. That is not their charge. Their charge is to evaluate the historical significance of structures, not to put those values along others they may share and we have had commissioners on that group who really would probably be better off on another board because they didn't share those values. So, you know, again I think there are training opportunities to be had there and I hope that will happen independent of this but I would say we need to set a system in place that's not going to allow one or two commissioners to halt a consideration before it gets to us.

>> Mayor Adler: Ms. Garza, you had indicated.

>> Garza: I'm trying to understand how this affects lower-income homeowners. And so the first scenario, I'm trying to understand how that played out, the white house. Can somebody explain? It didn't get the two thirds so it was demolished?

[7:40:39 PM]

And what -- it wasn't -- was an inheritance, her family's home and she was trying to demolish it to sell? Can somebody explain that to me.

>> My understanding, councilmember, she wanted to have an active demolition permit so she should sell the property without the house on it.

>> Garza: Okay. Because she could probably get more if the house was demolished? Like, the value --

>> She may have felt that.

>> Garza: Okay.

>> You know, it -- it really deposits on who is out there to buy it.



>> Garza: Yeah.

>> There are a lot of people who would love to live on San Bernard street and would have taken that house and we had been I will tated it. Those people were not in line to buy this house apparently. So the owner was looking to sell a vacant lot.

>> Garza: And do you remember what the historical significance was?

>> That one actually has been -- I would highlight to misquote it for you -- hate to misquote it for you. It's an old house that dated from the turn of the century. It had an African-American history to it, but to actually give you the details I'd have to get back to you on it. I wouldn't want to tell you something that wasn't true.

>> Garza: Then a quick clarification. You said there's 20-30 demolition permits a month but not all of them reach the commission. Is that right?

>> I'm sorry?

>> Garza: You said there's 20 to 30 demolition permits. Is that before the commission?

>> Before the commission, yes.

>> Garza: Okay. So then -- and the only way it gets before the commission is if it's recommended by staff?

>> Only -- well, I refer those cases to the commission.

>> Garza: So you could get 50 permits but you only refer -- 20 of them you say these in your opinion don't have historical -- historic significance?

>> Correct.

>> Garza: But these do.

>> Correct. I mean, under the code my job is to evaluate each house up for demolition as to whether it has a potential for landmark designation and if it does I refer those cases to the landmark commission for them to review.

[7:42:49 PM]

>> Garza: So the ones that never get referred are DEM ol English the other ones can be administratively approved, yes. We look for application of demolition of buildings over 40 years old. We have a lot of, tract houses, things like this, that could not be designated as historic landmarks and those are the candidates for administrative approval rather than review by the landmark commission.

>> Garza: Okay. I guess I'm just for discussion purposes I'm really torn because I -- on one hand I see the point that, you know, two commission members could hold the power, but it seems like Mr. Sadowski holds the majority of the power. You're the one that ultimately decides what gets sent to the commission and what doesn't. And so -- and as these have come before us, one of my staffers has an architecture background and we often discuss these, and it seems -- sometimes it seems very -- a very subjective, I guess, decision a lot of times. And so -- anyway, I'm still listening to the discussion.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I just had a follow-up question. And it goes back to the data. I think you said 20 or 30 come before the commission. How many on average do you guys recommend of those for historic designation?

>> Very few, a handful each month or maybe not any during a particular month.

>> Kitchen: Okay.

>> It's -- in answer to councilmember Garza's concern as well, we're always erring on the side of letting the commission decide. If there is any potential at all for landmark designation we're gonna refer the application to the commission.

[7:44:53 PM]

>> Kitchen: Even with that you're -- you said about maybe five a month?  
>> That we recommend?  
>> Kitchen: Yes.  
>> Oh, if that.  
>> Kitchen: Okay, thank you.  
>> If that.  
>> Pool: Of the 20 to 30.  
>> Mayor Adler: Ms. Pool.  
>> Pool: I'm trying to drill down on the specifics because I think a couple things are happening. We're kind of slowing down because it's getting late and it's sometimes hard to hear you. Maybe we could turn the sound up on Mr. Sadowski's mic a wee bit. So the total number of cases that come in front of you a month and then there's the ones that want to be -- that don't have any historic value that go to demolition, then there are the ones that you recommend for historic status and then there are the ones that actually make it through and achieve historic status. That category is the one that has a handful -- say five or seven a month.  
>> Oh, no, it's not even that.  
>> Pool: Not even that many. Okay. Five or seven a year?  
>> I would say probably about seven to ten a year.  
>> Pool: Okay. So and then in the larger picture, what's the universe of all the cases that come to you that get sorted down into those categories that end up with 7-10 a year? How many cases for either historic designation or demolition come to you in a year?  
>> For demolition we reviewed over 900 last year.  
>> Pool: Over 900 last year, okay. And then the ones that come to you -- when -- and I think it's a terminology thing. When you say for demolition, is that also for historic designation?  
>> No, that's for demolition only. That includes partial demolitions as well.  
>> Pool: How many for historic designation?  
>> For historic designation, that would be about seven, seven a year.  
>> Pool: Seven a year?  
>> Yes. For voluntary historic designation, seven.

[7:46:55 PM]

>> Pool: So we're not even having very many people ask for it but it sounds like we have a very high mountain for them to climb in order to get it, or are you saying of those seven -- because I know 100% of them don't get approved but we have 7-10 that --  
>> Right.  
>> Pool: So of those seven that ask for it, is it a 90% or is it 50%?  
>> Of the seven who ask for historic designation?  
>> Pool: Right.  
>> It would be a hundred percent.  
>> Pool: Except for in some of the --  
>> But those are demolition cases.  
>> Pool: I can see where the terminology and the hour and the confusion. But I think my take away is you have a huge caseload of about 1600 cases that come to you, 700 asking for historic landmark designation, 900 asking for demolition. Of those you get down to 7-10 that actually get the landmark status approved?  
>> Yes, your numbers are a little bit high. We have --

>> Pool: I'm sorry, seven, not 700.

>> Right.

[ Laughter ]

>> Pool: Yes, see, it's getting late. Okay. So 900 -- 907, okay. That's really what we're looking at. It's a really small were but it's a really unique -- it's a unique universe of these small numbers that we're trying to say, we're desperately trying to save a very few homes but they're of supreme significance. And that's what we're trying to achieve here, and I agree with my colleague, mayor pro tem, that -- and to -- to an extent to councilmember Flannigan with the fresh blood and hoping they understand what the mission is, we're hoping to have some changes, but those folks aren't gonna be there forever and part of what we're doing here today is to adjust a process that can sustain and be resilient into the future. So we have to think in terms of who is gonna be here beyond us in future years.

[7:49:01 PM]

And so I am still very supportive of trying to make the change so that we don't make it so hard to save your home when you want to save your home and when it seems that that home should be saved. I mean, it's not very many. Thanks for helping me go through those numbers and try to parse it out.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I just want to repeat back what I think I heard you saying. I think there was some concern that this change would result in a flood of cases coming to us from the information you just gave it sounds like we're talking about maybe an additional 7-10 a year.

>> That's correct.

>> Tovo: Okay. I just didn't want it to get lost in the numbers about 700, 900, this and that. We're talking about maybe seven or so cases.

>> That's correct.

>> Mayor Adler: At this point, I'm -- we have I think a challenge with respect to this commission I think we are losing homes that we don't want to lose because of what's happening, and Ms. Houston has identified several reasons that contribute to that. I'm probably going to vote for the mayor pro tem's motion here, in part because I want to hear the conversation that happens at the board and commission level below us, because I think this is an important issue and I think we need to be able to preserve the properties. I don't know how I'll vote when it gets back to us and I don't know what the recommendation will be coming back to us. But I think I would like to hear that conversation down below and I think in the meantime, as I said before, and I won't mention it again, there are things we can do in the meantime with respect to alternates on that board so we can fix a different or same issue and maybe it meets one or either or both of those. Ms. Alter?

>> Alter: So I just wanted to clarify something else in the case that we were talking about with the white house where the owner wanted to sell it, if the owner disagreed with the historic designation that the landmark commission wanted it still has to come to council.

[7:51:15 PM]

The historic landmark commission doesn't have the power to grant historic landmark designation or zoning, only the council can do that. So in every case these still have to come to council and that property owner would still have an opportunity to come before council and make their case to us. I wanted to go back to a comment, I forget who made it, where they said they were having blobs we moved to 11 with our boards and commissions, and this is slightly off topic but do I sense having not been on the council and having served on a board there is a feeling that we go and work on these boards and pour our hearts and souls into these boards and then our recommendations are not listened

to by council. And this is a case where we have told this board that they have to have two-thirds. So you now have people who care deeply about history, who go to a board every month, and they sit in this board and every time they get a majority that votes for historic zoning and then they can't accomplish what they want because they don't have two-thirds and then not only that, this is not just like a policy that sits on a shelf, but it's a house that they love, that they think is valuable and historic land and it gets demolished. Why would you show up for that every month? Like, what's the incentive to come every month if that's what your experience is? And I think that if we lower this to majority, we might fix the attendance problem. And I say that as someone who is about to make a landmark commission appointment and hopefully I'm gonna put the best possible person on there who I think will do a great job, but I think that there's more to this dynamic that we're seeing with boards and commissions than just it being an increase in numbers. It matters what you're doing and how valuable you think your service is, and we have to keep that in mind in a lot of cases. And I think that dynamic is part of what's at play, and I see members of that commission who are shaking their heads in the audience, that my interpretation is right.

[7:53:17 PM]

And so I think we have to keep that in mind.

>> Mayor Adler: Yes?

>> I wanted to piggyback on councilmember alter's remark. I do tend to agree that we sometimes put more on the commissions and the volunteers who serve and I'm very concerned that as we move forward on a number of governance matters that commissions feel like they have an adequate voice. I come of come to a different inclusion when their two-thirds requirement needs a three-fourths requirement. It's still three-fourths here so I feel like we would be still having a place where commissioners were supporting stuff that came us to that got overturned. If we don't have two-thirds of commissioners that support it, do we have three-fourths of councilmembers that support it? That -- I kind of feel that's kind of a weird struggle for me but I really do agree with your concern about the supporting commissioners and making sure that our commissions are valuable places where people feel like their work is valued, and so that's kind of where I'm struggling on this one. I feel like we might have come to two different inclusions but the same premise.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I think that we've -- I think we've done a good job of talking about all the -- you know, the sides of this issue. I just wanted to remind everybody that this is to vote to initiate a code amendment. It's not a final. As the mayor said, you know, and I agree with the mayor, that -- on this one, you know, this is an effort to move the ball forward. To initiate a code amendment and have it come back to us. I personally am gonna support this this. I'm gonna support this because I'm pretty convinced this is the way we need to go, but even if I wasn't convinced I'd support it because it initiatives a code amendment and I want to take the next step. I think there's enough value to moving forward with this that we should take the step of initiating the code amendment.

[7:55:25 PM]

>> Mayor Adler: Anything else before we take a vote? Let's go ahead and take a vote. The motion is to initiate code amendment. Those in favor please raise your hand. Those opposed? Opposed, troclair, and Garza. Others voting aye. We're going to initiate it. Is that right? Okay. Then we'll go on to the next item. Let's go to item 79, 2222.

>> Mayor, council, Greg Guernsey, item 79 is a zoning case c14-2016-0096 for the property located at 7901rm-2222, zoning change request to gom-mu, property, 4.7 acres in size, it was recommended to

you by the zoning and platting commission. They made the recommendation to approve the zoning on a 6-3 vote with some additional conditions, those being to allow a business or trade school as a conditional use, to prohibit all other go uses that are not permitted in an no zoning district, to prohibit a multi-family use, workshop, communication services, clearly uses, to collide a 35-foot building setback from the south property line, require that there be an 8-foot high fence constructed along the south property line that abuts the existing residential properties. Maximum height of the building would be limited to 28 feet and may not exceed two stories in height, include a 35-foot building setback or offer from the bet's property line, limit hours of operation for business or trade school on the site from 8:00 A.M. To 6:00 P.M.

[7:57:25 PM]

The property itself is zoned lo-co, there's an ordinance that is in your backup material that states what the existing conditions are. To the north and to the south are existing single family residences and it's zoned rr, rural residence district zoning, and two district zoning -- there's also an office complex to the south zoned no. Further to the west is rr, rural residential, and single family residences, and to the east is a king ridge P.U.D. And it's currently undeveloped. Property in question is developed with a single family residence. It is located in what's called a hill country roadway and if the property owner would move forward with a development to construct an office or a business trade school use, it would trigger what's called a conditional use permit, and a conditional use permit requires a site plan to be approved by -- in this case the zoning and platting commission. It's appealable by parties that may be in disagreement with what their decision is and that site plan would actually come before the city council for your consideration. In this particular case, there is a valid petition. This is only ready for first reading for your consideration, but as we discussed in the prior item before you, with a valid petition it would require a three quarters vote or eight out of 11 vote to override the adjacent property owners' objections to this zoning change request. The petition states that they basically would like to keep the lo-co zoning that remains and that there's something that's granted, it's more intense, that it would be denied. That's the neighbors' request. Petitions work two ways. The property owner, if their property is being rezoned by the city, as we spoke to earlier, has a right of petition, but also property owners that southern the property, that own property within 200 feet of the area being rezoned, if 20% of that land area, which could be one person or many, are opposed, then that triggers this petition requirement.

[7:59:43 PM]

Since this is only first reading it only takes a simple majority of council to take action. If it is voted favorably, then at third reading, then you would come back and have to have the third quarters vote. If you have -- you have some citizens here I think to speak to this. The applicant is also here to speak to this item. I'll pause if you have any additional questions of me at this time.

>> In the process of zone --

>> Flannigan: In the process of zoning at what point are we talking about site plans?

>> You're not. It's for the purview of the zoning and platting commission. If the zoning is successful then the owner could move forward and submit an application for a hill country roadway site plan. That site plan could be appealed to the city council. But there's a presumption that someone is opposed to whatever the approval is or denial of the zoning and platting commission. But right now council under the ordinances we have in place may approve zoning, but not approve it subject to a site plan, which is specifically prohibited under our code.

>> Flannigan: Thanks.

>> Mayor Adler: What's the vote required affirmative on first reading?

>> A simple majority. So six out of 11. So mayor, the applicant is here and normally we would start with applicant presentation, those in favor, those opposed and then rebuttal by the applicant again.

>> Mayor Adler: Okay.

>> Pool: I do have one question for Mr. Guernsey. Thanks. I understand there won't be music production, music school on this site. Do you know what incident tended use is?

>> At zoning it's difficult to say because we're only approving zoning on the property and perhaps it would be better to let the applicant describe. I've heard from my staff that alleged by the music school that was proposed may go away.

[8:01:44 PM]

That's not to say that depending on what council approves they might reconsider the school if council approves or there could be some other kind of business or trade school. Austin driving school could move in and that would be also a business or trade school. So our uses are not limited to a particular type of business or trade school.

>> Pool: I can ask the applicant when he comes up. Thank you.

>> Mayor Adler: Are we ready? Let's start with the applicant. Start with five minutes. Then I'll call the speakers, but I'll probably be switching.

>> When I came before the city council last month --

>> Mayor Adler: Could you state your name for the record?

>> My names is James potter. I'm the owner of the property. And by the way, how much time do I have?

>> Mayor Adler: You have five minutes.

>> Thank you. When I approximate came before the -- when I came before the city council last month trying to get this case heard, one of the outcomes of that meeting which you suggested we get together with the opposition, which we did. And actually some interesting things came out, positive things from that meeting. One of the things that came out from that meeting was that there was some misunderstandings about the use of the property. The the property itself is about five acres and it's sort of hourglass shaped and the lower third of it that abuts 2222 is the area that we're interested in. The upper two-thirds of the property, when I got the site plan developed for a dental office, the city would not allow building in the upper section because it was building on slopes and impervious cover and that sort of thing, so I was unable to do any development with that area.

[8:03:53 PM]

And we're not considering doing any development in that area even now. And that a misconception on the part of the opposition because they were thinking the entire property would be developed that did have more impact on my neighbors. By the way, I live in long canyon area too so they're my neighbors. So that was one of the things we were able to hash out and I was able to explain and what part of the five acres was actually going to be used. Then we started getting down to what are the objections of the opposition. Incidentally, of the eight things that are recommended, we are in agreement with all but the last one, so I want to make clear why I'm here. And that's the item number 8 and that's the hours of operation, which has been limited from 8:00 in the morning until 6:00 in the afternoon. This is the deal, that's an unreasonable requirement to be putting on a G.O. Rating. The it's not unusual -- it's not unusual, it's not -- you have put hours of operation on other businesses in the past but it's really rare. And especially rare to be putting one on a G.O. Rating. If you are putting it on a bar or something like that, that's a little more reasonable. This is not that. I think there's a lot of misunderstanding about what's going on here. So I will try to clarify. Okay. The major crux that the opposition is the noise. So let's

talk about noise. First of all, there are lots of noise abatement abilities and buildings to be able to make sure that noise is reduced or eliminated and that's what we have here.

[8:05:59 PM]

We have plenty of noise abatement abilities to make sure that no sound comes out of that building. We're not talking about a woodstock kind of open air venue for bands, garage bands or things like that. It's not that at all. This is a music school. What do you do at music school? At this school they teach them how to make records. You know, the sound adjustments and things they use to make records, how to make and publish, that's what's being taught here. It's not an open air venue of sound. Also, the sound is two way. When you have a music studio and you're trying to make a record, then outside noises can interrupt and destroy what you're doing. It has to be absolutely quiet inside one of those studios. So sound coming in is a problem. And if any of you have been on 2222 lately, that has a lot of traffic on it and it has a really high level of noise already. So this building has to be adequately soundproofed in order to be able to make records that they want to make. One of the recurring themes that I've heard -- first of all, let me clear up because I think the opposition has been around to one or probably all of you, and record company -- not record. But the music school is no longer in play. That is not true. The original head of the school pulled out because of the hurdles that he was being able to see with the city.

[8:08:00 PM]

[Buzzer sounds] That's me?

>> Mayor Adler: That's your five minutes. Do you want to finish your thought?

>> May I finish up? All right. This is an Austin -- this is a music school. And Austin has cultivated the Austin -- Austin is the music capitol of the world. So if you vote against this, what does that say about your support of the music? This is not, again, not a band, this is a music school, and there are plenty of schools in that area that live very, very well with the community. Thank you.

>> Mayor Adler: We have a question.

>> Casar: Sorry. To summarize it sounded like you had two concerns or just one? You said the time from 6:00 to nine P.M.? Was there another concern apart from the hours' limitation? Well, the hours was the main thing. The hours that -- in other words, of the eight things that the city staff sent down to the city council, we can live with except for the hours of limitation. That's an unrealistic imposition on this property.

>> Casar: So that's the only one. I wanted just to check and make sure that's the issue.

>> That's my main one. I could stand here and argue about it --

>> Casar: I appreciate you keeping us to the core ones. Thank you.

>> Mayor Adler: Thank you. Any other questions on the dais. Let go to the next speaker then. Is Tom Smith here? Carol Torgeson is up next. You have three minutes.

>> Hi, mayor, councilmembers. My name is Tom Smith. If you look at the property in question here the five surrounding properties are actually in long canyon phase 1. I'm a member of that board, the homeowners association with phase 1, I'm the vice-president.

[8:10:06 PM]

I'm also the long canyon representative on the 2222 coalition of neighborhood and associations, so I'm a representative for that. Everybody along this -- the issue --

>> Houston: Excuse me, sir. If you would get over there we could all see you.

>> Oh, sure. So I think there's a little bit misdirection there and I want to be clear on what the objection is from the neighborhood. All of the homeowners associations that are immediately adjacent to the property have signed a petition that object to the zoning change. So this is a land use question. How Mr. Potter wants to market the property and what he wants to do with it is a separate issue, so he has a dream that this is going to be a music studio or some other type of use, we don't have any control over that. What we're objecting to is we already have an no property, commercial space at the entrance to our neighborhood. We actually have two of them right across the entrance at 2222. That's a compatible commercial use of property. We have no objections to that. We have no objections to him developing the property under the current zoning, which is lo-co. Of what we do object to is the G.O. Elevation that raises a whole set of additional use cases that are not compatible being next to a neighborhood. Even with all the layers of conditions and restrictions put on that, as you can see he's already objecting to one of the conditions, which is the hours of use. That's just the first of many. If the music studio doesn't come in there, he may repurpose that for another business use, which we would have a real problem with. So the neighborhood feels very strongly, as does cone, as do the adjacent properties of having a videophoning at all to the G.O. Level. That is the fundamental issue. So it's a land use rezoning issue and that's what we're having an objection.

[8:12:09 PM]

So we're having for a denial of the rezoning to G.O. Use case completely and all the conditions and everything. We are fully supportive of developing under the lo-co that is the current zoning for that particular tract of land. And when he presents whatever business proposal for development of that and the site plan for that, we're willing to review it at that time. But we're -- we want a compatible use as opposed to elevating it to an unknown usage pattern with an unknown set of potential users and then trying to restrict that down. Thank you. Are there any questions.

>> Mayor Adler: So you don't object to a business or trade school if it was so somehow limit it to that use. Your concern is alternate uses?

>> We do object to that because it is a G.O. Own sowing. We want it kept to lo-co use patterns, including no.

>> Mayor Adler: I'm trying to figure out what the objection is. You don't object to the business or trade school use, you said?

>> I do object to that because that's G.O. Classification for zoning use?

>> Mayor Adler: What if we kept it lo and allowed for a obvious arrest trade school use with the associated G.O. Would go with that?

>> The problem is if you elevate it to G.O. And you try to put restrictions on that to pull it down to a compatible usage pattern, any one of those restrictions could be argued, particularly if that particular deal doesn't come through. So if the music and trade school -- I'm sorry for interrupting you. If the music and trade school doesn't come through then he will try to basically child away at the individual things like the hours of use, and that creates a real problem.

>> Mayor Adler: But if we set the hours of use he would have to come back to the council to get those things changed?

>> Given the noise and hours of use then becomes an enforcement issue because you've then let the cat out of the bag and now becomes a constant enforcement issue from the neighborhood to that property once it gets into that usage pattern that's now no longer compatible with lo usage.

[8:14:27 PM]

That's the concern.



>> Mayor Adler: So the concern is it will morph into something other than what this is.

>> Exactly.

>> Mayor Adler: Would it be fair to say that this isn't objectionable, what is objectionable is what it might morph into?

>> Correct. And we haven't seen any site plan at all. So this is all speculation. We have no idea what the real plans are. We have no idea what's really in play. So all we're looking at is land use at this time. That's what we're reacting to and responding to. And it's basically 100% of people against that zoning change for that reason. It's not the individual items that are conditions of the G.O. Use, it's basically elevating that to G.O. And then trying to control it by putting all sorts of conditions on it. That's the issue.

>> Mayor Adler: Okay. Thank you. Any further questions? Thank you.

>> Thank you so much.

>> I wanted to clarify two things. I misspoke earlier. You mean nine out of 11 for three-quarters of a vote to do the third reading. The other thing I wanted to mention is you can always make under the conditional overlay process a district more restrictive, but you could not create a district that's like lo and add a less restrictive use like a business and trade school, which is not permitted in lo, so you can't do lo plus business trade school, but you could do the reverse. You could go g.o.-co and limit it to lo uses and then the business trade school as being the only G.O. Use. So I just wanted to make sure --

>> Mayor Adler: Thank you. Ms. Torgeson? Is Peter here?

>> Yes, he's right there.

>> Mayor Adler: You have six minutes.

>> Thank you. My name is Carol Torgeson. I live in long canyon. I am vice-president of the board of long canyon phase 2 and three, the other hoa that makes up long canyon. And both of our neighborhoods have filed letters or emails of opposition to the zoning.

[8:16:34 PM]

A couple of things that I think are really important to point out is the issue -- first of all, there's an implication that we're anti-music, and that's actually not true. In fact, Tom forget to mention this, but Tom, what's the name of the organization? Black breath? It's an organization that helps young musicians get going? Anyway, we are very much pro music. The issue is the land use issue. And in this case, our understanding, mine personally having spoken to the applicant last night, is that there really isn't -- that there is not a music school in play at this time. And I don't want you to take my word for that. I want someone, a staff person, to contact the original applicant and ask him. Because I don't expect you to take my word for it. But to the best of the information that I received at 5:30 last night, the original applicant who withdrew from this case when the property was no longer under contract, not because of what happened at zoning and platting, is not pursuing this property at this time. And of course there's always the possibility if the zoning were approved, that he might be using the property again, but he did tell me there were other issues besides zoning that were a problem. So we're not opposed to a neighborhood compatible use of this property. We have no problem with this property being developed. The current zoning, lo-co, is actually noise abatement zoning plus one -- no zoning plus one lo use. If you look at the ordinance it says that the no development regulations are put on this property. So is a way for the council in 2003 to allow basically an no zoning plus an lo use. So basically what we're doing is taking no zoning and adding a G.O. Use, but without some of the protections we had before before.

[8:18:41 PM]

For example, if this is zoned as G.O. As specified by staff or zoning and platting commission, it will only be subject to the development regulations of G.O. So that's big upzoning from no based district requirements to G.O. Based district requirements. Our concern is that the code is very clear. It says under no and lo that those are compatible to be next to residences. G.O., the code does not say that. So it is for us a land use consideration. We are concerned that various uses could go in there and not be neighborhood friendly because G.O. Is not necessarily considered appropriate by the code at least to be adjacent to residences. We did -- we did -- zoning and platting commission actually put on the the limitation of this G.O. Use being a conditional use because they were concerned. So zoning and platting commission added more requirements to their proposal than staff had brought forward, not because we had asked for them, because we had asked for them to turn it down, but because they shared the concerns that the might be impacted by this use. So again, we're not trying to be unfriendly to any particular -- any particular application that might go there, but we do believe that the appropriate thing at this point is for G.O. Uses to not be allowed on this property and that just like the two neighborhood properties which are no that the zoning for this property should be essentially no even though there is one lo use tacked on to it. So our request for you is to please deny the zoning request and maintain the compatibility that we have with the other two office uses that are at the entrance to our neighborhood. Any questions?

>> Mayor Adler: Can I ask you the same question? Because I heard you also say that it's a question of the use of the property.

>> Yes.

>> Mayor Adler: And you also expressed a concern that whatever this property owner intended to do for now that it would end up morphing into a different use.

[8:20:50 PM]

Do you have a compatibility issue with the school?

>> I've spoken to the gentleman who runs the school. He's a very nice man. We've had three phone conversations. We've agreed to disagree about a couple of things. His current school and his recording studio operate 24/7, 365. He's very upfront about that. His websites are very upfront about that. Perhaps that would be an issue, perhaps it wouldn't, but that is the intent that he would have for the school. And I think it's the nature of the business he's in that people come and they work at odd hours, and that's fine. Use next to single-family residences, which operates 24/7/365, and may or may not create sound that is -- can be heard from the property line, which I guess is the measure, that going there creates the possibility that it's going to be an issue. And it requires a zoning that is not considered necessarily compatible with single-family residences to start with. So I think that the gentleman has a wonderful business. I think he has a very impressive business. I hope y'all go to his websites and look because he's very impressive and very nice. But I'm not certain that he's really thought through this particular site. This site is very challenged. In fact, the last time we talked I said you know, I can help you find some really good sites on 2222, but he wants exposure to 2222. I understand that because he does not have exposure to a major street right now. But where he is right now he also is surrounded by nature preserves and parkland and no development except for one home, which is on a five acre tract, which is much further away than our homes would be.

[8:22:51 PM]

So I appreciate the fact that he's a very nice person and his use is -- his school is very well received and he's very successful and I'm very happy for him. I'm not certain that that is really a neighborhood friendly thing to put next to five single-family residences. But beyond that I don't believe the G.O.

Category is a good thing to put next to those single-family residences. It's been our experience, and I have to say this, that not all departments of the city look at the details in the zoning ordinance when they're going to issue permits or make other decisions. And another developer will come through here and say oh, that's a G.O. Site. They won't look to see that it's an no zoning with one G.O. Use. They will say oh, that's G.O. And that sets a precedent for other sites that probably would not be zoned G.O. To be looked at as being potentials for G.O. Because you've already set this precedent. So it is a slippery slope when we go there. And we discovered that with the current zoning, the lo-co because I don't think anybody noticed until this case was ready to go to zoning and platting commission that the ordinance basically made this an no-based district with an lo use. Everyone looked at the zoning and said oh, it's got lo uses with these conditions. That's what you get when you try to spot zone or shoe horn zoning into a site to accommodate a use when the base zoning for that use isn't really compatible with the location. Does that answer your question?

>> Mayor Adler: I think it does. So what I'm saying is it's not so much this use, it's that it will morph into a different use or it will mover into longer hours than what the planning commission said?

>> Well, okay. You're asking a very complicated question. Because we don't know what will happen. The point is we don't believe the zoning is compatible whether the particular music school chooses to look at this site again or not. Right now they're not looking at it.

[8:24:52 PM]

If it goes away then we still have a G.O. Zoning in a place where there should be in N. O. Zoning. I'm not trying to say that the original applicant who has withdrawn from the case, I'm not saying he would be a bad neighbor. I don't know that he would be a bad neighbor. All I can tell you it's a G.O. Use that may very well be a bad neighbor and we're concerned about the impact on our single-family homes to which it's adjacent. Sorry.

>> Mayor Adler: Thank you. Any other questions?

>> Thank you.

>> Mayor Adler: Ms. Alter? Thank you very much. Is Michael door here? He doesn't want to speak. Mr. Potter, do you want to close? You have the opportunity to close if you want to. You have three minutes to close.

>> Thank you. I'll try to make my answer briefer than the one you just got. One of the things that -- first of all, I would like to get back to the music school again and support of music in the city of Austin. I'm not certain how to address the kinds of problems it says that we can make, we could do all these dastardly things with the property if we get this zoning. Remember, we have to go before the city again for site planning and other uses for this property well beyond this zoning. This just gives us a start. We can't tell you what we're going to get until we get the zoning. The zoning has to come first. So I've had other people look at this property and walk away because of the restrictions that were on it. And this is an example of one of those times.

[8:26:55 PM]

When the gentlemen was very interested in building a very reputable school in this property, and yet we met the opposition to this zoning. This was just the beginning. And he walked away. But he's still in the running, don't worry. He's still there, it's just that he's not -- it's just not under contract. And, oh, one more thing, I'll just add this. I've heard several times about the enforcement of noise in this area. And I'd like to -- from a personal standpoint, I've been a Travis county deputy sheriff, reserve, for eight years. And I have been on noise patrol or noise calls, and I can assure you that they -- that Travis county, the sheriff's department, treats these noise complaint calls just as seriously as they do any other calls. So I

can tell you that they do respond, they do take action. When they do get these calls the cars carry decibel meters and we roll the windows down, stick it out there and listen ourselves. And if we get a complaint and we confirm the complaint, we take action on it. And it's not brushed under the table like it's been -- like it's been characterized.

>> Mayor Adler: Does anybody have any additional questions? I'm sorry, I didn't mean to cut you off. You still have more time. Were you done?

>> I'm done now.

>> Mayor Adler: Any questions?

>> Thank y'all.

>> Mayor Adler: Thank you, sir. Those were all -- you can sit down unless there are questions. You're fine. We're back up to the dais. Ms. Alter?

>> Alter: I have for questions for Mr. Guernsey. Thank you to the applicant and the residents for coming out tonight.

[8:28:57 PM]

I'm sorry that we haven't had an opportunity to speak. I think in the future if you have a zoning case in my district, my office would really appreciate the opportunity to talk with you so that we can really make sure that we're addressing everyone's concerns. I know this is a unique case since we just came on, but we will have a lot of people in the office who can work with you on land use and we do want to be able to make sure we get the best possible outcomes. Mr. Guernsey, I have several clarifications that I would like to ask you. First of all, can you clarify whether the property is currently zoned would allow a business or trade school?

>> It would not.

>> Alter: It would not. What types of things would be allowed to develop on this property as it is currently zoned?

>> So right now I understand that the one use that was alluded to is probably medical office. We would allow also an administrative business office, which might be like a realtor's office. Also might allow for a professional office, might be a legal office. The no district does allow other uses such as an art gallery, art workshop. It would allow -- software development I think was also permitted. There was something in here. Let me flip over and look at the ordinance in place right now. Community garden, urban farm. College university with a conditional use permit.

[8:31:13 PM]

Looks like a couple of different day cares. Certain types of group homes. Religious assembly use. And some school types. So it's a very limited -- mainly it's the office categories. They could have an office on the property.

>> Alter: So what type of uses would the G.O. Open up and what increased entitlements would it open up in terms of height and impervious cover and other things?

>> Well, the impervious cover is most likely limited under the watershed regulations. I think it's 40% on this property. The heights actually are more restrictive under something called the hill country roadway ordinance. And your commission as recommended to you I think limited the overall height to 28 feet, which is in line with what would be allowed within the first 200 feet of the hill country roadway. And limited to two stories. So actually the height may be more restrictive than what you might find on sf-2 zoning that you might find near this property, which is a residential zoning district. The G.O. Zoning in this case was recommended for all the no uses and the business and trade school. So basically you would have those same office uses plus the business and trade school use. Which does not require it to

be limited to only a music school, but it could be other photography training or drivers education. There's some other business and trade school types of uses. Other uses that would fall under that category.

>> Alter: So it's not opening up everything that could be there under G.O.?

>> No, it would not.

[8:33:14 PM]

>> Alter: Okay. So in terms of impervious cover it doesn't shift it?

>> Whether they develop as office or as business trade school or religious assembly use, the watershed regulations in this case allow 40% net site area so you would calculate impervious cover for the site and you're taking out areas of probably steep slopes and things like that. So the watershed regulations in this case are more restrictive than the zoning regulations and they would prevail because in our codes the more restrictive provisions of our codes apply.

>> Alter: I didn't see in my look at this anything specified about what they would be doing for noise abatement. I can appreciate that a recording studio would need to have noise protections, but in terms of the neighborhood and having protections written in, is there something in here that covers that noise abatement or could cover that?

>> We have general noise provisions in our code that are under the nuisance provisions of the city code. Generally after 10:30, even the residences nearby could do things that would not cause undue noise to a neighbor up until that late hour. I think the provision for the business and trade school being 6:00 P.M., it would be certainly earlier than what you would think would happen on the adjacent single-family property next door.

>> Alter: And then I have a question for Mr. Potter, if I might, please. Thank you. I had a question about what you would be expecting would be the appropriate hours for this music school or -- like you don't want it for 8:00 to 6:00 P.M., but what are you anticipating the hours that would be appropriate or to be expected for a use like that?

[8:35:28 PM]

>> Excellent question. We're looking for eight A.M. until 9:00 P.M.

>> Alter: Okay. So it wouldn't be 24/7.

>> We're not looking for 24/7.

>> Alter: Thank you.

>> Mayor Adler: Council? Does anyone want to make a motion? Move approval on first.

>> Mayor Adler: It's been moved for approval on first reading. Is there a second? Ms. Garza seconds that? Is there any discussion?

>> Casar: Mayor, it just seems like allowing -- this doesn't seem to allow much more entitlement, to my understanding, it's just allowing a business or trade school. And I hear all the time and I've had cases in my own district where people have had concerns that there would be uses outside of what's allowed in the zoning, but if that's what's going on we have a bigger problem than any individual zoning case, so I have to rely for now on trusting and working with our staff to make sure that the uses that are listed in code are indeed what happens in the city.

>> Mayor Adler: Yes?

>> Flannigan: I think I would reference something councilmember kitchen said about an earlier decision about this is just the first time around. We'll have other times to talk about it. My primary concerns would be the interface with 2222. It's very enzyme to 620 in my district and I also have 2222 in my district, where the major concerns of people who drive that corridor, not necessarily the uses, but the

driveways that impact that corridor and left turns causing a lot of accidents. I'd hate to see 2222 turn into the same traffic accident nightmare that 620 has turned into. So I think that's more of a site plan situation than a zoning situation, so I'm good moving forward, but I have a lot more questions later, at a later time.

[8:37:37 PM]

>> Mayor Adler: Ms. , alter? Equality I have --

>> Alter:, I have to vote know, I know it's just first reading. There are other things to be developed here and the neighbors feel that G.O. Uses are not compatible. I think that we should be doing zoning based on the best land use and not for a particular business deal or potential individual purchase. It just doesn't seem appropriate to me that we should be rezoning this to a completely different zoning category of G.O. And then restrict it to only one potential use of a music school. You know, I -- in this moves forward, passes first reading, I would very much like to meet with the parties and see what other options there are. I'm not exactly sure why that hasn't happened. I've been meeting with anyone who was on the agenda and I would look forward to doing that, but I just -- I think that we need to be making our decisions based on, you know, what's the best land use and not for a particular land deal. And I'm uncomfortable moving at this point. So I will be voting no.

>> Renteria: Mayor? I'm going to be voting yes. I've been in a couple of recording studios and what you are saying is correct. , You can't hear the noise from the outside. I'm sure there won't be a lot of noise coming out of that building. So I'm going to go ahead and support that.

>> Mayor Adler: I listen to this case and I think it's about land use as well, I think so, but there's a particular land use here that's being considered. Best I can tell there's no one in the room that thinks it's an inappropriate land use.

[8:39:41 PM]

There seems to be a fair concern that it will morph into something else or that at times will turn into a 24/7. So in addition to the conversations that you have, if this is to move forward on first reading, I sure would appreciate you having conversations that address that question as well is is there a way to prevent that or is this the way it's set up and provide those guarantees to a property owner, but to take a look at that. But it appears as if this use, without going 24/7, is something that everyone thinks is an appropriate use. It's a fear of something else we're dealing with. So I'm going to vote yes to move forward on first reading.

>> Alter: Can I make a clarification? Are we voting yes on the zap recommendations or on the staff recommendations? In terms of what this vote is on at this point?

>> Typically what's before you is what the commission recommended, which is more restrictive in this case than what the staff recommended. And in cases where council would do otherwise, usually there's a motion that's made by council to say the staff recommendation, but if you simply vote -- you're voting on the recommendation of your land use commission.

>> Alter: Thank you for the clarification.

>> Mayor Adler: Mr. Casar?

>> Casar: And councilmember alter, I very specifically think that first reading would be the only thing I would vote for for the reasons that you have laid out. I think that coming up with solutions on this would make a lot of sense. I agree that it is awkward to think about changing zoning category because we're just trying to figure out one particular use, but that's sometimes the boxes that we find ourselves in. Nothing was funnier, I think, in zoning cases than growler zoning that we tried to do, which is only

certain zoning categories could get a license to distribute beer into growlers, but we didn't want cocktail lounges.

[8:41:41 PM]

So that's just the nature of where some of this stands. So while I agree in theory, the practice is a little bit awkward, but hopefully we can smooth it out between second and third reading, and as we think about the rewrite of the land development code, figuring out how uses are not so tied to form. It's also helpful in these cases. I appreciate what you said and actually agree with quite a bit of it, and I think that if this is to move forward after first reading, hopefully there may be other ways of dealing with this.

>> Mayor Adler: Any other discussions? Let's take a vote. It's been moved and seconded to approve the commission recommendation on first reading. Those in favor please raise your hand? Those opposed? Opposed are the mayor pro tem, Ms. Pool, Ms. Kitchen, Ms. Alter. The others voting aye. It passes on first reading. Let's go then to item number 80. South congress.

>> Thank you, mayor and council. Item number 80 is case c-14-2016-0097. This is for the property located at 4714 south congress. This is just a little bit south of St. Elmo. And just east of Williamson creek. It is a zoning change request to cs-mu-v-mp and primarily asking to add the vertical mixed use or the V that I just mentioned. The property is 2.8 acres in size. The planning commission did make a recommendation to approve the cs-mu-v-mp zoning as recommended by staff. There was an additional condition to provide 10% of the rental units at 60 percent median family income or mfi, with a unit mix reflecting the makeup of the units as the rest of the development and that also to ensure that all the amenities, it could be a pool or recreation center or whatever, would be available to all the residents of the affordable units.

[8:43:59 PM]

And incorporating the conditions from an October 19 south congress neighborhood planning contact team as possible. Right now the property contains a pawn shop, beauty parlor, commercial kitchen. Under the zoning that's in place right now, they could construct approximately 102 to 153 units of multi-family. 102 is mainly two bedroom units. 153 if they were developed as efficiencies. You're looking at kind of units that are under 500 square feet. If you went to the V that would be added, they could get up to 253 units and this is kind of what they are of development. The vertical mixed use adds a mixed use requirement. It does primarily a couple of things that you just need to know. If you develop under the V standards, the front yard and interior side yard setbacks, not side yards adjacent to a street, but side yards adjacent to a neighbor, are reduced -- I should say waived. Normally there's a floor to area ratio and that's the amount of area you have versus the ratio you can build. If you had a 10,000 square foot lot you could build a 20,000 square foot building. That is waived so there is not a floor to area ratio requirement. This is a requirement for the dwelling units and that is also waived. They would also be allowed to reduce the parking requirement from whatever the 100% requirement is down to 60%. Again, they have to have a mixed use. They would have to make a provision for affordable housing. The code requires a 10% at 80% median family income. And that would be for rental locked in for a period of 40 years.

[8:46:03 PM]

Again your commission recommended the 60% mfi. Right now the properties to the use are [indiscernible], as well as to the south and to the west. There are automotive uses, offices, hotels, restaurant uses to the north. To the south are pet services, automobile uses and office. To the east is

automobile repair, convenient storage, which is kind of like a mini-warehouse type of use. Pawn shops, recording, rehearsal studios. To the west is undeveloped. You do have a neighborhood planning contact team in this area. They're opposed to this application. That is in your backup material. Also the battle bend neighborhood association is also opposed to this application. I say opposed. There's not a petition, so in this case there's not a valid petition against the application, but there is opposition to this application. I think I'll pause at this time. I know Alice glasgo is here with Alice glasgo consulting on behalf of the owner. And you have at least two or three residents here that are also here to speak to this item. I'll pause and if you have any questions for me I'll answer at this time or later.

>> Mayor Adler: Let's have the applicant come down and you have five minutes. Ms. Glasgo?

>> Good evening, mayor, mayor pro tem and councilmembers. Mayor, I believe I have someone donating time to me, David colconie on this item?

>> You do. Is Mr. Colconie here?

>> Yes. And I'm Alice glasgo and I'm representing the applicant in this particular case. And I'm going to be brief in this case because I guess as soon as it's loaded up -- given the late hour, I'll say as little as possible.

[8:48:08 PM]

The subject tract is located on south congress avenue and this is the zoning map that shows you what the existing zoning is, cs-mu-v-mp, and the area has similar zoning, which is consistent with the adopted future land use map for the south congress combined neighborhood planning area. And everything that is in brown is mixed use, which means you can have the mixed use mu overlay or V, vertical mixed use, which allows you to achieve additional density in exchange you have to give the city 10% of your multi-family housing designated as affordable under the median family income that is either in the code of 80% or whatever the city council deems appropriate at the time of your rezoning. So the information on the property, as Mr. Guernsey indicated, under the current zoning of cs-mu-co, we are allowed to have a height of 60 feet. The height remains the same under the cs-mu-v. The V does not allow you to get additional height at all. It simply allows you to increase your density. And I'll just simply show you that under the existing zoning under commercial zoning we can have 244,807 square feet of mix of commercial and residential, and you just have a maximum of 153 units, and none of those units would be affordable at all because we're not getting any additional density and therefore the affordability requirement does not kick in under the mu category. The V allows us to go to 253 units, and in this case there will be 10% as recommended by the planning commission. The applicant in this case accepts the planning commission recommendation of 10% of the units affordable at 60% median family income. The site is currently developed and has a mixture of uses that total 15,200 square feet.

[8:50:09 PM]

And therefore -- in fact, the existing uses generate more traffic than what the proposed mixed use would be. The project complies with all aspects of the adopted neighborhood plan, which is now part of imagine Austin, which calls this an area that should have an active types of uses, so the mixed use corridor would be adhered to and all the regulations that go with it. We met with the neighborhood plan contact team twice. In fact, councilmember Renteria attended the last meeting where the contact team asked us several questions. The questions, of course, focused on affordability. They asked if they could look at higher affordable levels. The planning commission asked us to consider 10% at 60% median family income. The applicant is okay with that. Condition number two that came from the neighborhood contact team had to do with making sure that the units are affordable throughout the mix of residential units and including the fact that the amenities would be available to all tenants. We agreed to that. They



were also concerned that we might seek a variance in building height and they asked that we agree not to seek a variance in the future to increase the height. And we explained that usually if you need a height variance you have to go to the board of adjustment and it's a tall order to ask because you really have to show a hardship, and it's not feasible to go up slightly. It doesn't make any difference from a height standpoint. In this particular case, this is the only condition we would ask that we agree with all the conditions listed here that the neighborhood asked us in good faith and in good faith we said we will do them. Hoping that they would support the V zoning, which they're not. So we agreed to all of this, but we're going to continue to agree to them. The height condition, I would ask that council consider making a conditional overlay.

[8:52:10 PM]

Staff tells me that they're okay if the law department is okay with it. Typically because our zoning height is currently 60 feet, by putting it in the ordinance then the neighborhood is assured that whoever develops the property, if they decide to seek a variance, then someone can point to the ordinance spec to this -- specific to this case and not seek a variance because it will be right there for staff and anybody to see it. So while it's being redundant, redundancy is good here for the benefit of the neighborhood since they're concerned and also for future staff members. It's easy to go to the ordinance than going to a private restrictive covenant which they may not find. So that's my pitch for the height aspect. The site currently has commercial tenants. The contact team asked my client if he would assist them in finding other locations and he said yes. And the final item has to do with once the property is redeveloped if he might consider designating some amount of square footage that would accommodate reduced rents for a certain number of years. He agreed to reduce to do that, also reduce the rents for five years at 80% of the going rate. So this is what we agreed to and we accept the planning commission recommendation, and I conclude my presentation. Thank you.

>> Mayor Adler: Ms. Pool?

>> Pool: Mayor, thanks. I was prepared to ask some questions of staff about making sure that we could be explicit about limiting the height to 60 feet, and Ms. Glasgo has explained it so clearly that I won't have to ask those questions of staff, but I am prepared with some language that was in a previous ordinance that would in fact put that into the motion. And I think that is what councilmember Renteria was looking for as well. So I'm prepared to fulfill that ask that you just made.

>> Thank you.

[8:54:11 PM]

Appreciate it.

>> Pool: You bet.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: I hope this isn't the question you just answered when I was off the dais. But I heard in the introduction from Mr. Guernsey that the affordable units would be a proportional mix of the rest of the bedroom count that's reflected in the market rate units.

>> Yes.

>> Tovo: However when I saw your sheet that one didn't immediately jump out at me. But that's your commitment?

>> That's in the planning commission recommendation, yes. And it is on the last page that I just -- yes. You are -- yes.

>> Tovo: Same units -- I mean bedrooms. Thanks.

>> Mayor Adler: Anything else before we go to the room? Okay. Is Mario Cantu here? Mario? David king? Okay. Mr. Cantu, you have six minutes.

>> Good evening, council, my name is Mario Cantu with the south congress combined neighborhood contact team chair. I wanted to give you a brief description of some of the things that we've discussed as members and citizens in south Austin. You know, one of the things that came up in our meeting was the tree lines. The tree lines in Austin are beautiful and we want to retain the tree lines and actually the trees itself. Music and lifestyle still exist here and we want to keep that as well. Those are big concerns during our meeting. And green space as you can see, keeping green spaces alive and for people to exercise is very important for us as well. 2017, where people live. People still live out in the streets. They still live in downtown Austin and still living there and we still have some problems.

[8:56:12 PM]

So affordable housing is a big concern to us. Atxfloodsing and displacement and deaths. Again, those are big problems we have in Austin when it comes around. This is south pleasant valley. This is a road right here and it's pretty full of water. Public safety is a big concern to us. You know, public safety and quality of life for all citizens of Austin is very important as well. It seems to be getting missed a lot lately, but public safety is often placed into preventable situations. We put these individuals into harm's way at times because of situations that we could at least try to prevent from happening. And this is south first and oltorf. You look at the creek right there by south first and oltorf. It's pretty high and heading down to Riverside. And this is Travis heights, big Stacy pool area. I've never seen water that high before ever. And I've been living here for a very, very long time. And this is south congress and Williamson creek. As you can see the bridge to the right there, that's about eight to 12 inches from the bottom of that bridge. And it gets like that every year. Every year we've seen it gradually get higher and higher. Impervious cover is impacting not just us, but downstream into district 2. So impervious cover and water retention, as you can see to the left this is one where of those condos came in on the other side of congress avenue. Several months ago, actually last year. And they just kind of started disrupting the Earth a little bit. And that water coming out was just because of that little bit of impervious cover. There's no concrete, nothing being built there yet. And this is the impact. So just imagine Austin when there's concrete. Water retention pond off to the right, beautiful water retention pond there on stassney close to the Williamson creek watershed, retaining huge amounts of water. And then one of the condos on the other side of congress, on the other side of Williamson creek, no water retention pond, no retention of water. Water goes in, it goes downstream, impacts people.

[8:58:18 PM]

It displaces people possibly at 2:00 in the morning and starflight is trying to find somebody that has drowned in the middle of a truck out in the field close to I-30 and they find them two days later. How did we not know that this created that problem? There's no water retention ponds and you've got a lot of erosion. So infrastructure. This is from the imagine Austin plan. And watershed master plan. These plans were expensive plans that were developed by the city and citizens of Austin. I think the cost of these were pretty expensive, but these are things that I think we need to stick by. If you read some of these, I can pull a couple out of here. Maintain water, wastewater, storm water, infrastructure. Throughout it's useful life and replace acknowledged infrastructure as conditions aren't. Continue to ensure safe and reliable service. The bottom part up there, the management goal of flood mittation mission is to protect lives and property by reducing the impact of flooding events. So we sat down and discussed a lot. We've worked with Alice glasgo in the past. She's come to us, St. Elmo market over there. We've worked with her on that and some of the things that we wanted kind of fell through the cracks. And she

came back to us again and we worked on another piece of property close to little Texas. And we worked on some zoning with her. She came back again on these two properties here in our area and we worked with her, but he we just couldn't get down to the affordable housing that we were really looking at at what the city and for us as a contact team and neighbors and members, we said real affordable housing. When you take a single person making \$1,350 an hour you're looking at about \$37,000 a year. In order to get that amount of money up high for a cost of 60% mfi or close to that, you will have people making \$13.50 an hour, making \$54,000 a year.

[9:00:18 PM]

We really kind of worked with all these percentages. We looked at all these numbers. We threw them back and forth and everything that we could get to what we wanted to with real affordable housing were the percentages that we're looking at. And this is what we're going to really stick by. Themselves are important to us because we said to ourselves, we're not seeing affordable housing where it needs to be, what individuals are making. You know, I remember last week David king mentioned that a single-family mother of a kid would have to make \$22.50 an hour just to live, and would probably put him close to that 60% mfi if that was going on, where, you know, they could be able to live. So as a contact team, we really focused on a lot of these percentages, numbers. We went a couple rounds with Alice Glasgow, and we just have to stick with what we are looking at. And those are the numbers that we really want to work because we want to change Austin, as a contact team, and not really as a contact team, but as citizens, citizens that know exactly what's going on.

[Buzzer sounding] You saw those paragraph, we've got a lot of things going on. Those are the changes we want to make here for 2017. Thank you.

>> Mayor Adler: The next speaker that we have is Michael Fossum. Is Ms. Investigatory -- you have six minutes. Mr. Fossum.

>> Good evening, councilmembers. My name is Michael Fossum. I live in the south congress neighborhood planning area. I ask that you please deny the zoning request from request to csmuvmp.

[9:02:26 PM]

The neighborhood preference in the neighborhood corridors, mu, as codified in the 2005 neighborhood plan. Residents in the contact team met and discussed the zoning change and we voted against the change. The zoning change works against the goals in our neighborhood plan. The neighborhood plan ordinance was adopted in 2005 and added to the Austin tomorrow plan, later the imagine Austin plan. Five major goals, preserve and enhance neighborhoods, two, transform south congress avenue into a viable mixed use corridor. Three, focus mixed use development and commercial uses along major commercial corridors. Four, improve accessibility, convenience, and safety of all forms of transportation. And finally, preserve and enhance public open spaces. So does a zoning change further the goals of the plan? I would say, number one, no. Adoption of zoning will accelerate increases in property taxes, goal two, no, south congress is already a mixed use corridor and vibrant. And this will increased accessibility, to increase traffic congestion. Goal 3, no, mixed use development and commercial uses are already focused in the major corridors. Goal four, again, no, the zoning will decrease accessibility and convenience and will compromise the safety of all forms of transportation because of increased traffic and congestion. And number 5, no, the added density will lead to overuse of the only park in the area. This is a viability corridor. These are just examples of recent developments that have gone up to 12, public loss or under construction now, sur 512, the south location. Our panel was adopted in 2005, and as you can see, there were almost 1200 units built since that time, and none of those asked for the V zoning to increase the density.

[9:04:33 PM]

So increased density results in making terrible traffic congestion worse. Now, the usual attitude that I hear from most folks and boards and et cetera is, hey, the traffic is going to increase, it's inevitable. Well, in this case we actually have a choice. Looking at items number 80, the one we're looking at now and the one you'll consider next, 82, which essentially is the same type of case, those two sites total 5.7 acres. The V zoning will allow 553 units on both sites. Advantage V zoning roughly doubles density on those two sites. And another fact to consider is other -- other properties in the area. Good night south congress, their zone line suggests they're going to develop 13.3 acres right next-door to these sites, and will they come and ask for V zoning as well? So development will continue, but granting the V zoning will gridlock understand a there's no traffic relief in site anytime soon. There are no cip bonds allocated to improve this traffic corridor. Existing parkland is not adequate for future or existing residents. This is a map of our plan area, that's the light blue area to the right. You'll see we have battle bend park, slightly less than 5 acres, and down to the south there's an elementary school that has a playground and a little bit of green area. That -- the city council 2011 policy, residents outside the urban core should be in one-half mile walking distance of a park, and the park's master plan calls for one acre of parkland per 1,000 residents. Obviously we're not in compliance in our area. Voting for the zoning change means you're voting to continue to violate and worsen compliance with existing city policy. Large and more significant developments and affordable housing is what we really should be looking for, and proposed 10% of the units, 60% mfi, is not a significant addition to existing housing stocks in our area.

[9:06:45 PM]

I did a survey of affordable housing in this area. 1086 units either in or directly adjacent to our plan area. So let's put a little connects context on that. If we get 10% of the units, that's 55 units, that increases by 5%. The cost of increased traffic, overuse of our existing inadequate parkland and decrease in quality of life. So our existing affordable housing stock consists of large developments with many units. A better choice would be to encourage more developments of this type. Increasing density decreases our quality of life in the area for both old and new residents. It's against the vision of our approved neighborhood plan. Being new does not just increase density but suspend rules that were crafted by the city for quality of life and public safety. Building closer to streets, makes, and creeks, bypass changing mix of proportions of 1, 2, and 3 bedroom units. When you vote for V, you're mandating a decrease in our quality of life. Higher density adversely impacts our neighborhoods, degrades access to public safety due to higher traffic and congestion. There are higher loads on infrastructure like sewer systems, roads, and park. Stormwater runoff, as Mario showed with his illustration may become a problem. Williamson creek floods and will only get worse with higher density. Please deny the zoning request for this property. Thank you very much.

>> Mayor Adler: Thank you. Those are all the speakers we have. If the applicant would like to close. You have three minutes.

[9:08:47 PM]

>> Thank you, mayor. I'll address three things. One of the things I heard was flooding. Mr. Cantu showed some maps of flooding. The site that is currently developed with 15,000 square feet of development does not have a detention pond on site, does not have water quality. With the new development, we would be required to have a detention pond on site and a water quality pond so we'll be able to detain the waters. H when it pedestrians, detain it, and slowly releases water. Now it runs off because you

don't have a detention pond that holds it, slows it down and releases it slowly like it should. Secondly, increase in traffic, according the transportation staff, the current uses generate approximately will 3,000 trips. Our mixed use development would generate 400 trips fewer than the existing mix of uses that are currently there. The other aspect had to do with not complying with the neighborhood plan. The same goals that are in the neighborhood plan call for a vibrant mixed use corridor. You cannot have a vibrant mixed use corridor with mu zoning, does not give you the type of density that allows you to of a mixed use development where people live, walk, and play in the same area. The other units that were shown that were built recently, 400 units, zero affordable number of units. The neighborhood contact team, when we met with them, they did not -- they wanted market rate units. In fact, as a condition of their letter of approval, they indicated that they did not -- they wanted market rate units so 400 units there with no -- none affordable units, not asking for vr or any density zoning. Here we're asking to increase the density somewhat from 159 allowed to 253, and have those affordable at 10%. The code asks for 80% mfi, and without other subsidies, you can't go any deeper.

[9:10:52 PM]

So we hope that you can support the planning commission recommendation. Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I'm -- I'm not sure I understood your last statement. Do you mean to say that you're not doing them at 60% mfi?

>> We accept -- I think what I said, that the -- that the V mu code, it tells you that if you get V, you need to do 10% at 80% mfi. We're accepting 10% at 60 mfi. There was something about the last --

>> I'm sorry.

>> Tovo: No, no, I'm glad you classified it. I wanted to clarify another point earlier. You said something about the council can choose at this point the level of affordability. Did you just mean between 60 and 80, because they had adopted 80, but the applicant is offering 60?

>> Correct.

>> Tovo: Okay.

>> That's what I meant, yes.

>> Tovo: For a brief moment, I thought, wow, maybe I didn't understand the vmu exactly. Maybe we can always choose the level of affordability, move them back to 60 all the time.

>> No, well, because the code says 80%, the neighborhoods had the option -- those neighborhoods -- so some of them did set it at a lower threshold, at 60%, and those did not participate did not obviously select any affordability level, then we fall back to the code at 80%.

>> Tovo: Okay. Thanks.

>> Thank you for clarifying that.

>> Mayor Adler: We're now back up to the dais.

>> Renteria: Mayor, I'm going to move approval with the conditions that the developer will provide 10% of the unit and 60% mfi, that all affordable units be spread proportionately throughout all unit types, and all amenities will be available to the residents of affordable unit.

[9:12:59 PM]

The building height will not seek a variance to exceed the curtain allowed building height of 60 feet; that the developer will be provided relocation assistance to the existing commercial renters, and that the developer will -- is willing to provide 1500 square feet of reduced [inaudible] Equal to 80% of the market rate for a period of five years.

>> Mayor Adler: It's been moved -- Mr. Renteria, do I understand that if the vehicle to accomplish what you described might be a little bit different in terms of how the staff or legal would word that, that would be okay, so long as it effected that result?

>> Renteria: Yeah. Yes, that would be okay.

>> Mayor Adler: Yes. It's been moved. Is there a second to that? Ms. Middle school seconds that.

>> Pool: And I'd like to add a friendly amendment on the height, if I could. I'd like to add -- suggest language to the height limitation and that language would be the maximum height of a building or structure is 60 feet from ground level.

>> Mayor Adler: Any objection to that?

>> Renteria: No.

>> Mayor Adler: The objection to that amendment --

>> Pool: Thank you.

>> Mayor Adler: I have a question, Mr. Guernsey. I've seen the pictures of the flooding in that area. There was some question about whether there was a pipe that was large enough to be able to handle the stormwater in this area. Are you familiar with that issue at all?

>> I'm not familiar with that as much. I'm aware that there was a project that's just down the street from this that I don't recall the specific address, but it's right where wench creek comes under congress avenue. I was the accountable official when that application came in under 245 of the state laws in grandfathering regulations I was forced to approve that project under the rights that they had under state law and local ordinance to be grandfathered to prior development regulations, the date -- dated back to the 1980s.

[9:15:15 PM]

So they weren't subject to current watershed regulations so that may be why you see some of the development that's further south that may be developed to a different standard than what this applicant may be subject to today. I do want to point out, mayor, though, there was a relocation assistance, we'll certainly work with the applicant. I don't believe that the city can require that as part of the zoning application. I know that the applicant has stated they will work to provide that, and we'll talk with the applicant, and there may have to be some other mechanism that -- to accomplish that, but I don't believe we can require that under our code.

>> Mayor Adler: Same thing being if we can't require the 60%, but there's a way to address that, otherwise --

>> I think there is a way to address that because we might be able to do that because it is similar to something, there are ordinances -- we'll talk to the law department about that, might be a restricted covenant but I think we can get there on that one.

>> Mayor Adler: Okay. Whatever -- it's only on first reading so we want you to figure out how to effect what it is that Mr. Renteria was describing.

>> Renteria: I agree with that.

>> Mayor Adler: Ms. Garza.

>> Garza: I had a question about the length of the affordable housing.

>> 40 years for rental. Yes. That's what our code requires and --

>> Garza: From co?

>> That would be, I guess, from the time that the -- yes, the time that they can be occupied.

>> I'm sorry, I want to clarify. I thought I saw something in the backup that said five years. Did I see something wrong?

>> Mayor Adler: Commercial rent for 1500 square feet.

>> Garza: Okay, thanks.

>> Mayor Adler: Is there any further discussion? It's been moved and seconded we approve on first reading. Further discussion in Ms. Houston?

>> Houston: Has the neighborhood contact team --

>> The neighborhood contact team is opposed to the proposed rezoning request.

[9:17:21 PM]

>> Houston: Okay.

>> Mayor Adler: Ms. Garza?

>> Garza: We often hear that, you know, traffic is the biggest concern, and we heard that here, but as a member of also the capmetro board, I want to point out one of the metro rapids is on this bus line, and I know it's a chicken and egg issue we're dealing with, but the hope is that many of the people that occupy these types of apartments on these major corridors will depend on bus and will not have vehicles and that will not contribute to the traffic problem. I know that that's not -- we can't guarantee that, but I know at capmetro we're definitely trying to increase service and more frequent so people will use our public transit more. So that's why I -- I feel comfortable with this on first reading, because it is on the 801 bus line, which is one of our metro rapid lines, which has the high frequency.

>> Mayor Adler: Okay. Further discussion? Let's take a vote. Those -- mayor pro tem?

>> Tovo: The only other thing I want to do some thinking and looking at between now and then is a second reading. I'm looking at the educational impact statement. I know I mentioned that these -- the children in this unit will be -- in these units will be zoned to saint Elmo, and we need to kind of continue to think about the conversation that's going on right now at aid around facilities because the other school in this area is one that is suggested for potential closure, Jocelyn. So as we're considering projects like this, I think we need to be really making sure we're communicating, not just with trustees, but also with members of the facilities group, the citizen group that is looking at the different consultant options. They should be aware that there's a project -- you know, that there are projects underway that will be providing children to schools in this area.

[9:19:21 PM]

Again, not to Jocelyn, but to one right down the road, which could impact the whole equation moving forward.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: Thank you for mentioning that I think that's really important and had some -- because Jocelyn is in district 5, I had some conversations with aid that they're not working with the same set of data that we are as a city in terms of our projections for population growth and land use, and so this is a great opportunity with what facility use that aid is looking at, this is a great opportunity to align our visions for the city. And I've talked with the -- with the members of the facility team as well as with aid board members, so that is happening. We're going to have those conversations, so ...

>> Mr. Mayor? Anytime aid is mentioned, I feel called to speak. I like the idea of better data sharing between the school districts, especially all of the school districts. And Round Rock schools especially are blowing up as well. It's not just a certain part of town problem.

>> Kitchen: Of course, but the reason I mentioned it this time is because aid is in the middle of their facility, and that analysis. If Round Rock is doing that, that would be good, too.

>> They're always doing that.

>> Kitchen: Okay. And, mayor, that reminds me of a very long ago resolution I did to ask our staff to please go forward and create -- craft with some of those other districts that fall within the city of Austin

limits an educational impact statement as well, and our staff have begun that process, but I think some districts -- let's say it's sort of pending with some of those districts. So I hope that you and others can be instrumental in getting those districts to participate with us in that process because we have counsel direction asking them to do that.

[9:21:23 PM]

Our staff did that work but we didn't get across the finish line, through no fault of Mr. Guernsey and others.

>> That's correct, mayor pro tem. We did go do the outreach and not all school districts had actually the staff capacity. Aisd certainly does, and the benefit that you have in your backup material is evidence of that because they are the ones that we look to to do the educational impact statement, so the one that's in your packet is signed by Mr. Turner, Paul Turner, with aid, so we do coordinate with them, and we'll coordinate with any school district if they have the capacity to work with us and get us this information that we can get to you.

>> Mayor Adler: Okay. Let's keep moving forward. Maybe we can be done tonight by 10. Ready to take a vote? Those in favor of approving this on first reading as laid out, please raise your hand. Those opposed? Passes unanimously on the dais, on first reading only. Go to the next number, 82.

>> Yes. Thank you. Mayor and council, item 82, last zoning item, c14 20460106, 4411 south congress avenue, just across the street and a little bit north of where we were just talking about, it's approximately one lot south of saint Elmo. It's a property, about -- almost three acres in size, and it's zoning change request to csmuv np, which was the same as the previous case. Planning commission also recommended approval of this case with additional recommendations to provide 10%, at 60% msi, with unit mix reflecting the units with the rest of the development and all will be available to residents of affordable units. I'd like to point out that the applicant does have a disagreement with parts of the planning commission recommendation and I'll let them speak to that.

[9:23:27 PM]

Right now the property contains a vacant monument, retail sales use, and a residence. If it were to develop under the current ordinances they could build approximately 1062 bedroom units or up to 159 efficiency units. They're proposing to build a 300 unit apartment with approximately 400 square feet of retail uses on this property. To the north is csmuco np and li-np, existing ooh sales, office warehouse uses, mixed use buildings with 149 unit of residential, and about 23,000 square feet of retail under construction. To the south is csmunp, auto repair, convenience storage, vehicle storage, service station with food sales. To the east is LI zoning and LI zoning being an industrial type zoning, and cs-mu np, industrial uses, auto repair, couple duplexes, a mobile home park, something that might be referred to, csmu, comp, and co 1mo, co 1 being a commercial liquor sales similar to csmu, but for liquor sales rented use and cocktail lounge or bar being a conditional use. On these properties are administrative business office, retail sales, business park, restaurants, storage and hotel/motel uses. Also the Williamson creek watershed. It's in the east congress neighborhood planning area, and the south congress combined neighborhood planning contact team, and the battle bend neighborhood association both stand opposed to this application as well. I think I'll pause at this time and again the applicant is Alice aliceglasgow consulting.

[9:25:30 PM]



She can come up and there are neighbors also to speak to this case as well. Staff is here if you'd like to ask me any questions now or later.

>> Mayor Adler: Ms. Glasgow, you have three -- five minutes.

>> Thank you. Mayor, Alice Glasgow again, I'm representing the applicant in this case, a different applicant. They're -- both applicants are named David. This is David C's case. The case is also located on south congress avenue, part of the south congress neighborhood planning area and in the brown area, saint Elmo. As councilmember Delia Garza indicated earlier, the express route is not too far from this site also, stop signs pretty close to the site. The -- this particular case, the site is 3- -- 2.9 acres, and the zoning is cs-mu also. The height 60 feet, cs-mu would allow 60 feet. Since we filed the application, the architects have looked at the numbers of what can actually be achieved on this site and given other site requirements that are on site, trees and compatibility standards, they can only achieve 225 units, and of course out of those with a V, 10% would be affordable at either 80% or 60% mfi. The planning commission had two conditions, two of which came from the neighborhood contact team, and those have to do with the planning commission recommendation is 10% at 60% mfi, medium family income, begin spreading the affordable family units portion atly throughout the various unit types, and the third one had to do with height, not seeking a variance or back to the same, if you could also make it a condition of zoning, in the zoning ordinance, that a height would be limited to 60 feet, we'd appreciate that.

[9:27:36 PM]

I'll stop here. The applicant would like to just talk to you briefly about the affordability recommendation from the planning commission, and I'll let them come over. Mr. David cox.

>> Can I ask a real quick question? Ms. Glasgow, you want me to make the same motion for 60 feet on ground, as well as we did on the previous one?

>> Yes, please.

>> Pool: If that's okay with councilmember Renteria.

>> Thank you.

>> Good evening, my name is David cox and I am the applicant for 4411 south congress. There doesn't seem to be a bunch of question or concern about whether or not our request is appropriate. The planning commissioner said this is exactly the type of site that the city has in mind for a V designation. It's on a corridor where the city wants density. I think this is appropriate request for this setting. The biggest question about this request and what I suspect many of you are concerned about is the affordability level. And specifically, is this applicant doing enough, me, am I doing enough from an affordability standpoint to justify granting this request. When the planning commission made -- they did -- moved forward with the recommendation, they did add a recommendation that we hit 60% mfi, rather than what the code requires at 80%. It is a friendly amendment to the initial motion but it did have an implication, and it was over a million dollars. It is a real million this 3:c didn't give consideration to the math behind their recommendation. They probably didn't know it. It would be surprising if they did. I didn't know it until I got home. But there really wasn't any timeout or pause or anything to say, hey, what does this mean, and is this an appropriate level for the additional entitlements or the additional units?

[9:29:41 PM]

And that's my concern, and that's my issue with the recommendation. We're not truly receiving -- or receiving a density bonus in the true sense of the word. We're not exceeding the far. We're not exceeding the height. What we're really getting in the way I view it, is, we get to do more residential

instead of more commercial. So -- but, regardless, if we just focus on the 159 units compared to what our architects are directing us, and what our architects are telling us they're going to do, we get about 65 extra units by adding the V. 23 of which would need to be affordable at some level. The bottom line is that at 80% mfi, it economically makes sense for us to move forward and do the extra units and build this project. At 60%, it doesn't. So it's not -- to me, I wish I could stand here and say we're okay with planning commission recommendations. It doesn't work. So I'm here to ask for -- I've heard -- I've spent a lot of time with many of your staff members this week. I've heard a recurring theme. I want people want two-bedroom units as affordable, I know we want affordability for families, we want deeper affordability, 60% is the new 80. But I guess what I'm here to ask for is that there be an alternate recommendation. What we have looked back at the numbers, we're okay with doing 5% at 80 and 5% at 60.

[Buzzer sounding] I'll wrap it up by saying the biggest thing to me, it seems a little unfair to only allow V on sites that can get the full benefit of what the code provides. We can't receive that full benefit so I'd ask for your help on this. Thank you.

>> Tovo: Would you mind running through those -- there was a set of numbers, I just wanted to you remind us of.

[9:31:43 PM]

It was the number of -- it was the number that represented the increase in the units that you're able to do by adding the V. Was it 63 or 65?

>> It's about 65. Our architects have said that this site, giving the envelope that we're able to build, that we'll be able to achieve between 200 and 225 units. So taking the upper end of that range, 225, versus the 159, that's 66 units.

>> Tovo: And 23 of those would need to be affordable.

>> Yes, ma'am.

>> Tovo: And you are saying so the additional 65 units, some of which would have to be affordable, you're saying the increase -- that increase in entitlement and the resulting increase in -- in revenue profit does not -- does not, in your mind, allow for you to do the affordable units?

>> It's not even the revenue or the profit, it's the cost. The cost, if you divide that by the additional 40 -- with that math, you've got 65 additional units, 23 of which are affordable, that leaves 42 market rate units. If you take the extra cost of that, divide it by the 42 extra units that you receive, it's more than it costs for land in the area. So it just doesn't work.

>> Tovo: You know, we sometimes hear arguments of that sort. I think it would be helpful to be able to assess that argument if you actually are willing to provide us with some of those numbers, that would be useful.

>> I'd love to visit with you and provide numbers.

>> Tovo: Thanks.

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: To the applicant's credit, we've been asking for some of those numbers and they've started to trickle in a little bit. We'll be posting stuff to the message board as we receive it.

>> Mayor Adler: That would be helpful. Thank you.

[9:33:45 PM]

Mr. Casar?

>> Casar: Staff, if I could ask a question, Ms. Glasgow, this question may be most on the tip of your tongue, but what was the delta in the number of units in the vmu case, or V that we just moved on first reading on the last one? Do you know what --

>> I don't know the actual unit -- you know, we agreed in that case. We agreed in that case to do 10% and 60. I think what you heard was 5% at 60 and 5% at 80.

>> Casar: I guess my question is, here, the V grants about 66 more units total. Do you know how many more units total --

>> No. I I don't know that number off the top of my head. I will point out one difference between this case and the last case. This is subject to compatibility standards. I mentioned there are duplexes to the east so there are additional height limitations that this property, I guess, enjoys or is subject to. And the last case was not. So there is an impact. Also, I think there are some trees that the applicant may be required to deal with, which may not have existed on the other property, but they have to design around. So Ms. Glasgow might be able to speak to that, but I am aware there are some additional conditions on this property that are unique, that are different than the other property.

>> Councilmember Casar, could you please repeat your question?

>> Casar: Between the existing mu zoning and V that we added on the prior case down the street --

>> Okay.

>> Casar: -- What was the difference in the total number of units that can be developed?

>> The difference is 74 units. And that side does not have compatibility standards, it does not have -- it does not have the trees. This side, the current side on couple number 82 has some protected trees. The site on item number 80 does not have any protected trees because you have a building pad already, and it does not have those constraints.

[9:35:50 PM]

>> Casar: I recognize that that, I guess, in my head -- tell me why -- where I would be wrong here. Why does compatibility or the trees matter versus just the increase in the number of units generally?

>> By the way, there are two different projects, two different designs, two different financing systems, so one is saying they're fine with the planning commission recommendation and one has just explained.

>> Casar: I'm not trying to put you against yourself. You just happen to be the applicant for two cases.

>> Those are the things. Other than side constraints, they both have different design projects in mind. They're going to be constructed differently, and, obviously, each of them have different performers. So that's the answer that I can give you, other than the site constraints.

>> Casar: So the amount of units that could be developed on the last case --

>> 253.

>> Casar: -- Was 253, and without the zoning would have been 47 less. 74 less.

>> Yes.

>> Casar: This one is 225 --

>> 225 versus 159.

>> Casar: Okay.

>> Maybe I have them reversed, but yeah.

>> Casar: All right. Thank you.

>> Thank you.

>> Mayor Adler: Ms. Alter.

>> Alter: I'm not sure who to ask this question. I'm not familiar with what the market rates are in this area. I have a general concern that we are providing extra entitlements for market rate apartments so I'd like some clarity on whether 80% mfi is actually market rate in this area or what market rate would compare to that 80% mfi.

>> I think under the city's medium Naomi --

>> Alter: I'm asking for that particular area what the rent would be, not from the city as a whole what it would be. We have the city -- we know from the city that 80% mfi is a certain amount of income, but I'm asking what that rent is in that area relative to what someone who's at 80% mfi can afford.

[9:38:00 PM]

>> Yeah. I believe it's about -- the 80% would be -- well, the market rate is about 1051. I have the chart somewhere here, and information from neighborhood housing.

>> Alter: Because the market rate was 1051, how does that compare -- we had a chart somewhere earlier.

>> Yeah. Let me just grab the mfi chart. I think that kind of gives --

>> Alter: Okay. Thank you.

>> Mayor Adler: We have lots of speakers from the neighborhood.

>> Alter: I think she's answering my question.

>> Mayor Adler: Okay. Sorry. Thank you.

>> We've been working with the neighborhood housing staff so we do have some numbers from them specific to the [inaudible].

>> I can prepare probably something a little bit more accurate that today the market rate rents for a one-bedroom based on a quick survey is about \$1,400 per month compared to 80%, the cap would be about a thousand a month, I think it's \$1,017 a month.

>> Alter: I would appreciate that moving forward. Thank you.

>> Mayor Adler: Okay. Mr. Cantu. You have six minutes.

>> Good evening. Mario Cantu, chair of south congress neighborhood contact team. I was going to take - take a little bit of different approach on this based on previous conversations here, but I think the problem is, you know, the word is consistency. The council has to be consistent.

[9:40:01 PM]

Contact teams have to be consistent. And the developers have to be consistent. I mean, we just saw it right now, what just happened. You have a development right across the street -- I could probably hit the other development with a nerf ball. And it's just right across the street. You've got percentages over here, percentages over here. Developer comes up says I can't meet this, I can't do that, you know, this is going to affect me, a million dollars here, 255 units, 23%, whatever. Back and forth. You know, I want to tell you, you've got to be aggressive. This is a new year. I mean, if you want true affordable housing, you're going to -- you're going to have to stick your neck out and you're going to have to say this is what we're going to get. This is where we're going to be. Send it back to us. I mean we've got that sewer pipe back there over congress. I didn't talk about it the last one but I'll talk about it this time. And, you know, we ran into a problem a while back with administrative approval from planning department. That's not our beef. Our beef is not about development. It's about how it's being handled by the city. And we want to make sure, we as citizens, we are in tune, into knowing exactly what is taking place within our area, and all we ask is that when we come up to you, we say, look, this is what we have, this is what we see, and this is what we want you to check on. But none of that happens. And I'm not -- I'm not saying that the council members are at fault at this. I am pointing in other directions about this. And it's very important that we, as citizens, when we go to these directors, with the planning department, whatever department that it is, and we express our concerns, there needs to be a need into checking that. We had a pipe for four years that just kept on imploding, imploding, you know, put a band-aid on it, a big metal

sheet over the top. I told the engineering department, planning department, look, this thing is going to implode.

[9:42:04 PM]

I was told to ignore it. And guess what happened. The thing imploded. And I told each one of those individuals, I said you're lucky the thing didn't implode on a heavy rain at 2 o'clock in the morning where a mother and two kids are driving and fall into that thing. It could have been a fire truck responding to a call because of lightning into our neighborhood, and the firefighters could have been killed. Who knows? But that's how we don't look at things and we don't take action into saying, look, this is what we've got to do with these -- with these problems that we have. And, again, we've got to stick our neck out and we've got to say, you know, this is what we're going to have to do to make this city better because the basic infrastructure needs are not being met. We're putting all this development ahead of time, and the infrastructure is not coming in. And another thing I want to note is that we really have to be looking at our children, teenagers, and how they are looking at us as adults nowadays because that is very important. I think that's being ignored. We have -- I mean teen, teenage suicide is skyrocketing. And not many people know about that. You know, we've got heavy asthma. Kids are getting asthma all the time. Adults are getting asthma, there's respiratory problems all the time. You kind of wonder why is that happening? Well, we're becoming a compact city. Houston, the, every time is floods, flat as a pancake, all the impervious cover, everybody is in one big huge swimming pool trying to swim toward the highway for higher ground, you know? And this is where the city is going to be if we don't take action and really look at what we're doing. And it's important. You know, I know I was here with planning commission, and planning commission -- to me, I heard it crystal clear that that's what they wanted. I think it needs to be equal on those two developments, you know. It needs to be fair. And, you know, to pick -- cherry pick out of the planning commission, saying, well, I'm flat they kind of helped me on this, but, you know, I kind of really want this.

[9:44:09 PM]

And, you know, those are some things that really need to be reviewed and looked at, and I appreciate if you would just really kind of dig deep into a lot of these things and just check on them and just really focus on what we really need in the city. Thank you.

>> Mayor Adler: Thank you. Last speaker we have is Michael Fossum. You also have six minutes.

>> Thank you, councilmembers. My name is Michael Fossum. I won't repeat the arguments I made for this item. They're the same as item 80. So, again, we are opposed to this change. Now, just a note to answer the question, what y'all were talking about before, both of these sites, 80 and 82, to our knowledge, there are no heritage trees on those sites. At the contact team meeting, we did talk about a donation for battle bend park from the developers for amenities there at the park. There was no formal agreement to the items from the contact team meetings. We asked questions and the developer agreed to the items we asked, most of the items we asked about, and we thank them for that. I understand that there is a parks fee for each unit, but Alice and the developers did not address our request for a donation for park improvement. Now, battle bend park was just improved, including a gazebo that was paid for by an apf grant that was initiated by the neighbors. The parks department budget did not have enough or didn't stretch far enough with funds to landscape around the gazebo. So if you approve this change, we would ask that you encourage the developer to make a donation to help landscape the gazebo area. Given that, the residents in these two developments will most likely use battle bend park in the future. Thank you very much.

[9:46:10 PM]

>> Mayor Adler: Thank you. We're now back up to the dais. Ms. Garza.

>> Garza: I'm trying to understand, I think this is more for staff, Mr. Guernsey. What does -- I feel like sometimes we get close to contract zoning here, and what does vmu require with regards to affordability?

>> 10%. 80% mfi.

>> Garza: Okay.

>> So -- I understand the applicant has actually offered more than that. Again, for 44 years. I think what I heard the applicant offer was 5% at 60 and 5% at 80, in this particular case.

>> Garza: And I guess I just want to make that point clear for neighbors. We can't ask for -- we can't require certain level beyond that.

>> No. We can accept it.

>> Garza: We can accept it if they offer it. We cannot liar it.

>> That's correct.

>> Garza: Because it's against the law, for the most part.

>> Yeah. I think our law department would say I can't make that of the property owner, but we can accept if they offer a lower affordability.

>> Garza: Yeah.

>> Mayor Adler: So I think our legal -- like in the last case when people made a motion, and I said the legal department is going to look at it between first and second reading, it's on that issue.

>> Also, mayor --

>> Garza: I just wanted to make -- as a councilmember, it is frustrating because, before I became a councilmember, I, you know, often thought the same thing, why can't the council require more? And it's because we really can't. We're very limited because of state law on what we can require on certain sites. And while I wish we could treat each of these developments the same, they are very different. There's different investors, there's different pro Formas. So anyway, so what we can ask for with regards to -- if vmu is asked for, 10% at 80.

[9:48:15 PM]

Anything beyond that is voluntary on the applicant's side.

>> That's correct. I just wanted to note there wasn't a rebuttal by the --

>> Mayor Adler: Thank you. Let's go ahead and do that.

>> Kitchen: I have a question. I just have a question for staff, I'm sorry. That relates to the flooding questions that were raised, I'd just like -- as with the previous property, I'd like someone to address that.

>> They would be required to provide attention to water quality. They probably won't be impacted as much on this property by the creek. The other property actually about the Williamson creek, so there's some additional conditions on the other property that won't necessarily be incurred in this one, but they would both be required to provide attention to water quality couple of days so

>> Kitchen: So has there been review by our staff on flooding?

>> I could get with our water protection department if it's approved on first reading and see if there's any additional information. I don't have that information with me.

>> Kitchen: That's fine. I think that in between readings, that would be helpful, actually as to both of these properties, because this is an area where flooding has been an issue, so it would be helpful just for us to hear from our watershed staff.

>> Yes.

>> I'll just be quick. Councilmember kitchen, just to build on Mr. Guernsey's response, when I worked on the saint Elmo's case maybe three years ago, we had a big meeting with a contact team, and the city staff were invited, watershed protection, traffic staff, to talk about what they could do to south congress avenue. And the watershed staff, I had told the staff that whatever -- there are flooding issues, of course, in the area because most projects do not have detention ponds.

[9:50:15 PM]

Both sides currently don't have any so your water is flowing faster. And what the answer from watershed was was, as more tracts are developed, redeveloped, then the on site water quality detention ponds are provided, which helps then improve that. So that's -- that was the answer they gave us, just so you know. Thank you. And then councilmember Casar, you -- I just need to clarify, you had asked me a question on the previous case, the difference between the current mu and the proposed V, and I gave you the wrong answer. Under mu, the maximum number of units, 153, with V, they go to 253. So the difference is 100 units. And then item number 82, the difference, you know, current zoning mu gives them 159, and they can achieve under V, 225. And then just one more thing about the last speaker, about parkland, we will be required to pay parkland dedication fee in lieu of donating parkland because we don't have enough parkland to donate and the fee is \$1,075.25 per unit. So the -- each development will have to pay that fee for per unit, over \$200,000, that will go to the city -- the parks department at that time of site plan approval. So I'm hoping that those funds can go assist in approving some of the areas that the neighborhood is concerned about. Thank you.

>> Mayor Adler: Okay. Gets us back to the dais. Is there a motion? Ms. Alter?

>> Alter: I have a question for Mr. Guernsey, and kind of response to councilmember Garza's question. And I admit I'm still new if the dais. This is my first day.

[9:52:15 PM]

But it's my understanding that we have discretionary zoning authority and we can deny zoning changes if we don't believe that development would be a good land use? Is that correct?

>> That's correct. City council has ability to deny any request that it's brought before you, if you don't feel it's in compliance to the plan, not compatible with the adjacent land uses. You have --

>> Alter: But zoning change for the community, we can deny it.

>> That's your discretion, yes.

>> Alter: So would it be fair to -- I'm just going to say this because I think it's fair to say that we can't expect to be voluntarily getting more community benefits in this category if we grant zoning changes, even when we don't think the development is providing the community benefits that we think we should be having.

>> Mayor Adler: Is there a motion? Mr. Renteria?

>> Renteria: I move that we approve it on first reading, with the affordable housing, until the developer comes and shows us the hardship that he's having with his financial, I'm going to make -- pass it on first reading at 10%, other unit at 60 mfi, 60% mfi. Affordable unit would be proportionately throughout, all the units and all amenities would be available to the residents of affordable housing. And that the developer agreed that he would not seek a variance of what's currently allowed of 660 feet.

>> Mayor Adler: So there's been a motion. The issue, I'm not sure we can make on first reading requirement to go to 60% mfi.

[9:54:20 PM]

>> Renteria: Okay.  
>> Mayor Adler: Is that correct?  
>> That's correct.  
>> Renteria: Well, we'll go with -- I'm willing to go 80 and then we'll see what he has to offer.  
>> Mayor Adler: Let's go at 80 and see if there's a way -- council, if you'll see if there's a way for us to go to 60%. But at this point our legal advice is, we can't do that.  
>> And, council, I believe, and Ms. Glasgow can correct me, but I understood there was an offer of 5% at 80 and 5% at 60, and --  
>> Mayor Adler: Is that --  
>> I don't believe that's changed. The owner is agreeing to that. So if that's your motion, it could most of forward.  
>> Mayor Adler: Mr. Renteria, can your motion reflect that.  
>> Renteria: Yes.  
>> Mayor Adler: Is there a second to that motion? Mr. Casar. Any discussion? Ms. Pool.  
>> Pool: I'd like to make the same amendment on height that I made previously, that the maximum height of a building or structure is 60 feet from ground level.  
>> Mayor Adler: Any objection to that amendment being included? Hearing none --  
>> Renteria: I also want to read something in the record, that there was some questions about the infrastructure, the water infrastructure in there, would it be sufficient to accommodate the increased density and what staff has told the developer, that -- and the contact team, that the developer be responsible for the cost of any water or wastewater infrastructure necessary to serve the development, and then also that would trigger -- it would be triggered when they review the developer's weighs water and water demand on the city utility system, when they -- when it passed first reading.

[9:56:26 PM]

When they submit the site plan, I'm sorry.

>> I believe that was in the question and answers backup.  
>> Mayor Adler: Okay. That'll be included as well. Any further discussion? Those in favor of approval of first reading, please raise your hand. Those opposed? The mayor pro tem, Ms. Alter, the others voting aye, Mr. Casar off the dais, it's approved on first reading that way. Those are all the items we have on our agenda, so with that, our meeting is adjourned prior to 10 o'clock. We're done.